

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* 1st as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Arizona Administrative Register* after the final rules have been submitted for filing and publication.

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TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 43. BOARD OF OCCUPATIONAL THERAPY EXAMINERS

PREAMBLE

1. Sections Affected
R4-43-206
- Rulemaking Action
New Section
2. The specific authority for the rulemaking, including both the authorized statute (general) and the statutes the rules are implementing (specific):
Authorizing statute: A.R.S. § 42-3404(A)(4)
Implementing statutes: A.R.S. §§ 41-1072 through 41-1078
3. The effective date of the rules:
October 21, 1997
4. A list of all previous notices appearing in the Register addressing the final rule:
Notice of Rulemaking Docket Opening: 3 A.A.R. 802, March 14, 1997.
Notice of Proposed Rulemaking: 3 A.A.R. 1384, May 30, 1997.
5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
Name: Kenneth D. Fink, Executive Director
Address: Board of Occupational Therapy Examiners
1400 West Washington, Suite 240
Phoenix, Arizona 85007
Telephone: (602) 542-5300
Fax: (602) 542-5469
6. An explanation of the rule, including the agency's reasons for initiating the rule:
This rule implements the time-frame requirements of A.R.S. §§ 41-1072 through 41-1078. This rule change brings the Board into compliance with A.R.S. §§ 41-1072 through 41-1078.
7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
Not applicable.
8. The summary of the economic, small business, and consumer impact:
The Board has been providing a similar function or service as that now required of A.R.S. 41-1072 through 41-1078 and specifically 41-1073 since licensing began in March of 1992. Therefore, from a functional standpoint, very little to no impact is anticipated to small businesses or to consumers with the implementation of A.R.S. 41-1072 through 41-1078. The anticipated administrative cost to the Board to implement the rule is approximately \$2,653.
9. A description of the changes between the proposed rules, including supplemental notices, and final rules:
 - a. The final version of the adopted rule shortens the rule and changes the order of some of the sections to make the rule easier to read and understand.
 - b. Section R4-43-206(A)(4) adds some compliance references and requirements which read "The Board shall not process the application until the applicant has fully complied with the requirements of A.R.S. Title 32, Chapter 34, sections R4-43-102 through R4-43-103 and R4-43-201 through R4-43-202 and this Article".

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- c. Section R4-43-206(B)(2) adds the applicant to be in compliance with 32 A.A.C. 34 in addition to the original references.
- d. Section R4-43-206(B)(4) was changed from the original submission language in order to be consistent with A.R.S. 32-3425(C) which reads "The Board shall issue a license to a person who meets the requirements of this chapter on payment of all prescribed fees." The Board interprets this section of the statutes to mean that as long as an applicant submits a complete renewal application, continuing education as required and fees prior to the expiration of license, the licensed does not expire.
- f. A subsection number 5 was added to section R4-43-206(B)(5) of the proposed rule which reads "If an applicant has not submitted a renewal application prior to the expiration date, the license expires by operation of law and must be reinstated in accordance with section R4-43-203(D)." This was added to inform of the consequence for failure to submit a renewal application prior to the expiration of license.
10. **A summary of the principal comments and the agency response to them:**
There were no comments submitted concerning this proposed rule. The Arizona Occupational Therapy Industry was aware that the rule was mandated by legislation.
11. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class or rules:**
Not applicable.
12. **Incorporations by reference and their location in the rules:**
Not applicable.
13. **Was this rule previously adopted as an emergency rule?**
No.
14. **The full text of the rules follows:**

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 43. BOARD OF OCCUPATIONAL THERAPY EXAMINERS

ARTICLE 2. LICENSURE

Section

R4-43-206. Procedures for Processing License Applications

ARTICLE 2. LICENSURE

R4-43-206. Procedures for Processing License Applications

A. Initial application for a license or permit.

1. Within 60 calendar days after receipt of an initial application for a license or permit, the Board shall perform an administrative completeness review and notify the applicant in writing that the application is either complete or incomplete. If the application is incomplete, the notice shall specify what documentation or information is missing.
2. If the Board has notified an applicant that an application is incomplete within the 60-day administrative completeness review time-frame, the time-frame is suspended from the date of the notice.
3. An applicant with an incomplete application shall submit all missing documentation and information within 60 days from the date of the notice. If the applicant fails to do so for an initial license or permit, the Board may close the applicant's file. An applicant whose file has been closed and who later wishes to become licensed, shall apply anew.
4. The Board shall not process the application until the applicant has fully complied with the application requirements of A.R.S. Title 32, Chapter 34 and this Article.
5. If an applicant for an initial license or permit cannot submit all missing documentation or information within 60 days from the date of the notice, the applicant may request an extension by submitting a written request to the Board post marked or delivered not later than 60 days from the date of the notice. The written request for

an extension shall explain the reasons for the applicant's inability to meet the 60-day deadline.

6. Under A.R.S. § 32-3403(A), the Executive Director's duties shall include review of requests for an extension. The Executive Director shall grant an extension request, if the extension will enable the applicant to submit the missing documentation or information, but shall not grant an extension of more than 60 days. The Executive Director shall notify the applicant in writing of the decision to grant or deny the request for an extension.
 7. If the applicant fails to submit all missing documentation and information within the extension period, the Board may close the applicant's file. An applicant whose file has been closed and who later wishes to become licensed, shall apply anew.
 8. After receipt of all missing documentation or information within the administrative completeness time-frame specified in this Section, the Board shall notify the applicant in writing that the application is complete.
 9. The Board shall perform the substantive review and issue or deny the license or permit no later than 60 days after receipt of a complete application. For this subsection, the date of receipt is the date of the notice advising the applicant that the application is complete.
- B. Renewal license application, request to transfer into inactive status, or application to return to active status.**
1. Within 60 calendar days after receipt of an application included in subsection (B)(2), the Board shall perform an administrative completeness review and notify the applicant in writing that the application is either complete or incomplete.
 2. The following applications are governed by subsection(B):
 - a. A renewal license application received from an occupational therapists;

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- b. A renewal license application received from an occupational therapy assistant;
- c. A request to transfer into inactive status by either an occupational therapist or occupational therapy assistant who has an unexpired license;
- d. A renewal application to return to active status, submitted by a licensee.
3. If the Board has notified an applicant that an application is incomplete within the 60-day administrative completeness review time-frame, the time-frame is suspended from the date of the notice.
4. An applicant with an incomplete application shall submit all missing documentation and information within 60 days from the date of the notice.
5. The Board shall not process the application until the applicant has fully complied with all of the application requirements of A.R.S. Title 32, Chapter 34 and this Article.
6. After receipt of all missing documentation and information within the administrative completeness time-frame specified in this Section, the Board shall notify the applicant that the application is complete.
7. The Board shall perform the substantive review and grant or deny the renewal or transfer no later than 60 days after receipt of a complete application. For this subsection, the date of receipt is the date the notice advising the applicant that the application is complete.
8. If an applicant has submitted a complete renewal application on or before the expiration date, but the license will expire on or before the date of the Board's next scheduled meeting, the Executive Director shall advise the applicant that the Board will not consider their current license to have lapsed until the Board has an opportunity to consider the application for renewal of license at the Board's next scheduled meeting.
9. If an applicant has not submitted a complete application on or before the expiration date, the license expires by operation of law and the applicant shall seek reinstatement under section R4-43-203(D).
- C. For the purposes of A.R.S. § 41-1073, the Board establishes the following time-frames for any license or permit it issues:
 1. Administrative completeness review time-frame: 60 days;
 2. Substantive review time-frame: 60 days.
 3. Overall time frame: 120 days.

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TITLE 9. HEALTH SERVICES

**CHAPTER 5. DEPARTMENT OF HEALTH SERVICES
CHILD CARE FACILITIES**

PREAMBLE

1. Sections Affected

Article 1
Article 1
R9-5-101
R9-5-101
Article 2
Article 2
R9-5-201
R9-5-201
R9-5-202
R9-5-202
R9-5-203
R9-5-203
R9-5-204
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R9-5-205
R9-5-205
R9-5-206
R9-5-206
R9-5-207
R9-5-207
R9-5-208
R9-5-208
R9-5-209
R9-5-209
R9-5-210
R9-5-211
Article 3
Article 3
R9-5-301
R9-5-301
R9-5-302

Rulemaking Action

Repeal
New Article
Repeal
New Section
Repeal
New Article
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R9-5-302	New Section
R9-5-303	Repeal
R9-5-303	New Section
R9-5-304	Repeal
R9-5-304	New Section
R9-5-305	Repeal
R9-5-305	New Section
R9-5-306	Repeal
R9-5-306	New Section
R9-5-307	Repeal
R9-5-307	New Section
R9-5-308	Repeal
R9-5-308	New Section
R9-5-309	New Section
Article 4	Repeal
Article 4	New Article
R9-5-401	Repeal
R9-5-401	New Section
R9-5-402	Repeal
R9-5-402	New Section
R9-5-403	Repeal
R9-5-403	New Section
R9-5-404	Repeal
R9-5-404	New Section
Article 5	Repeal
Article 5	New Article
R9-5-501	Repeal
R9-5-501	New Section
R9-5-502	Repeal
R9-5-502	New Section
R9-5-503	Repeal
R9-5-503	New Section
R9-5-504	Repeal
R9-5-504	New Section
R9-5-505	Repeal
R9-5-505	New Section
R9-5-506	Repeal
R9-5-506	New Section
R9-5-507	Repeal
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R9-5-518	Repeal
R9-5-518	New Section
R9-5-519	Repeal
R9-5-520	Repeal
R9-5-521	Repeal

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R9-5-522	Repeal
Article 6	Repeal
Article 6	New Article
R9-5-601	Repeal
R9-5-601	New Section
R9-5-602	Repeal
R9-5-602	New Section
R9-5-603	Repeal
R9-5-603	New Section
R9-5-604	Repeal
R9-5-604	New Section
R9-5-605	Repeal
R9-5-605	New Section
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R9-5-607	Repeal
R9-5-607	New Section
R9-5-608	Repeal
R9-5-609	Repeal
R9-5-610	Repeal
R9-5-611	Repeal
R9-5-612	Repeal
R9-5-613	Repeal
R9-5-614	Repeal

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. §§ 36-136(F), 36-883, and 36-883.04

Implementing statutes: A.R.S. §§ 36-881 through 36-883, 36-883.01 through 36-883-04, 36-884, 36-885, 36-886, 36-886.01, 36-887 through 36-891, 36-891.01, and 36-892

3. The effective date of the rules

October 17, 1997.

4. A list of all previous notices appearing in the Register addressing the final rule:

Notice of Rulemaking Docket Opening: 1 A.A.R. 230, March 24, 1995.

Notice of Proposed Rulemaking: 3 A.A.R. 437, February 21, 1997.

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Lourdes Ochoa, Program Manager

Address: Arizona Department of Health Services
Office of Child Care Licensure
1647 East Morten Avenue, Suite 230
Phoenix, Arizona 85020

Telephone: (602) 255-1272

Fax: (602) 255-1126

or

Name: Kathleen Phillips

Address: Arizona Department of Health Services
Assurance & Licensure Services
1647 East Morten Avenue, Suite 110
Phoenix, Arizona 85020

Telephone: (602) 255-1177

Fax: (602) 255-1109

6. An explanation of the rule, including the agency's reasons for initiating the rule:

The Director of the Arizona Department of Health Services (ADHS) has prescribed rules pursuant to A.R.S. § 36-883, establishing minimum child care facility standards for facility licensure, facility administration, facility staff, facility program and equipment, and the physical plant of a facility. The current rules, adopted in 1986 with only minor revisions in 1988 and 1989, are inconsistent with current policy and practice. Laws 1994, Ch. 5, effective July 1, 1995, required the Director of ADHS, in consultation with the Department of Education and the Department of Economic Security, to prescribe rules governing the health,

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safety and well-being of children receiving child care in public schools that are comparable to rules established pursuant to A.R.S. § 36-883. Laws 1994, Ch. 5, also established the Child Care Standards Review Committee (CCSRC) to evaluate the laws governing child care, identify ways to lessen the regulatory burden, create a comparable regulatory system for public and private child care providers, and submit written recommendations for amending statutes and rules and adding new language.

The adopted rules are applicable to public and private child care facilities, incorporate CCSRC's recommendations, and are consistent with current ADHS policy and practice.

Section R9-5-101 sets forth definitions of words and terms used in the rules.

Section R9-5-201 prescribes requirements for applying for a facility license.

Section R9-5-202 prescribes procedures for processing a facility license application and establishes the time-frames required by A.R.S. § 41-1072 *et seq.*

Section R9-5-203 prescribes requirements and procedures for fingerprinting and registering with the Department to work in a child care facility.

Section R9-5-204 delineates procedures for the denial or revocation of an individual's registration to work in a child care facility including time-frames and procedures for requesting reconsideration of an individual's registration.

Section R9-5-205 sets forth specific classifications of child care services.

Section R9-5-206 prescribes requirements for a renewal license and the procedures for processing a renewal license application. This section also establishes the time-frames required by A.R.S. § 41-1072 *et seq.*

Section R9-5-207 prescribes requirements and procedures for requesting and processing changes to a child care facility license.

Section R9-5-208 sets forth criteria for determining when the Department will conduct an inspection or investigation at a child care facility.

Section R9-5-209 sets forth criteria for the denial, revocation, or suspension of a child care facility license.

Section R9-5-301 prescribes specific responsibilities of the child care facility licensee including: ensuring the facility's compliance with A.R.S. § 36-881 *et seq.* and the rules; designating a facility director or individual in charge; providing supervision and facility accessibility; excluding ill staff members; ensuring that staff members submit verification of freedom from pulmonary tuberculosis prior to employment; ensuring the presence of staff members trained in CPR and first aid; evaluating staff performance; establishing policies and procedures; following and documenting procedures for accidents, injuries and emergencies; ensuring fire drills are conducted; and prohibiting alcohol, drugs, and firearms at the facility.

Section R9-5-302 prescribes information and dissemination requirements for a child care facility's written statement of child care services.

Section R9-5-303 prescribes requirements for posting each activity area's licensed capacity and documents including: the license; the name of the individual designated in charge; the schedule of child care services fees and refund policies; menus; notice of a communicable disease or infestation at the child care facility; legal notices of adverse licensure action; and the availability of facility inspection reports for public viewing.

Section R9-5-304 prescribes required procedures and criteria for enrolling a child in a child care facility. This section also includes the requirements for information on and storage of the Emergency, Information, and Immunization Record cards.

Section R9-5-305 prescribes immunization and immunization record keeping requirements for enrolled children and staff at a child care facility. This section also includes exclusion requirements for children or staff who lack written evidence of immunity to a communicable disease.

Section R9-5-306 sets forth criteria for admission and release of children from a child care facility, attendance record keeping and storage. This section also includes requirements for child care facility activity area rosters.

Section R9-5-307 prescribes procedures for the reporting, documentation, and storage of documentation of suspected or alleged cases of child abuse or neglect.

Section R9-5-308 prescribes child care facility insurance and submission of verification of insurance requirements.

Section R9-5-309 prescribes requirements for sanitation, gas, and fire inspections. This section also includes requirements for the storage of sanitation, gas, and fire inspection reports.

Section R9-5-401 prescribes child care personnel qualifications, including education and experience requirements, for facility directors, teacher-caregivers, assistant teacher-caregivers, student-aides, and volunteers.

Section R9-5-402 prescribes documentation and storage requirements for staff records and reports.

Section R9-5-403 prescribes staff training requirements including number of hours, topics, verification and documentation. This section also includes training requirements for first aid and CPR.

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Section R9-5-404 prescribes requirements for ratios of staff to children at the child care facility, during transportation, on field trips and during swimming activities. This section also includes requirements for determining which individuals can be considered as staff in staff to children ratios, the grouping of children in care, and for sufficient staff to provide administrative, food, and maintenance services.

Section R9-5-501 prescribes standards for a child care facility's program including requirements that: the health, safety, and welfare of each child is protected; children are supervised at all times; drinking water is available; suspected or alleged child abuse or neglect is reported; children are clean; children are monitored for overexposure to the sun; parental permission is obtained prior to swimming activities; no tobacco is used at the facility; and lesson plans comprised of a variety of activities are planned, posted and implemented. This section also includes the following: building, premises, toys, materials and equipment standards; standards for using personal products for children; standards for children sleeping or napping at the facility; standards for bathing children who sleep at the facility; heating and cooling standards; lighting standards; toilet room standards and storage standards.

Section R9-5-502 prescribes specific standards for providing child care for infants.

Section R9-5-503 prescribes requirements and procedures for diaper changing.

Section R9-5-504 prescribes specific standards for providing child care for 1-year-old and 2-year-old children.

Section R9-5-505 prescribes specific standards for providing child care for 3-year-old, 4-year-old, and 5-year-old children.

Section R9-5-506 prescribes specific standards for providing child care for school age children.

Section R9-5-507 prescribes specific standards for providing child care for children with special needs.

Section R9-5-508 prescribes general nutrition standards to ensure that each child's nutritional needs are being met and includes the Table of Meal Pattern Requirements for Children. This section also includes requirements for food supplies, documentation of food purchase and service, and 2nd servings.

Section R9-5-509 prescribes standards and requirements for food service and food handling in child care facilities.

Section R9-5-510 prescribes the requirements for discipline and guidance for children in child care facilities. This section also sets forth types of discipline that is prohibited in child care facilities.

Section R9-5-511 prescribes the requirements for sleeping materials and equipment used by children in child care facilities.

Section R9-5-512 prescribes cleaning and sanitation requirements for child care facilities including: the cleanliness of the floor coverings, toilet rooms, and the facility; laundry requirements; toilet room requirements; hand washing requirements for staff and children; and waste storage and removal requirements.

Section R9-5-513 prescribes immunization, cleanliness, and control requirements for animals that are present in the child care facility.

Section R9-5-514 prescribes requirements for first aid kits, written accident and emergency plans, posted emergency evacuation plans and communication systems for child care facilities.

Section R9-5-515 prescribes required procedures and documentation when a child exhibits signs of illness or infestation and when a child or staff member at a child care facility contracts a communicable disease or infestation.

Section R9-5-516 prescribes requirements for the development of a written medication administration policy statement. This section also includes requirements and procedures for the administration and storage of prescription or nonprescription medication at a child care facility.

Section R9-5-517 prescribes requirements for vehicles used by a child care facility. This section also includes requirements and procedures for drivers of vehicles used by child care facilities.

Section R9-5-518 prescribes requirements and procedures to be followed when children attending a child care facility participate in a field trip.

Section R9-5-601 prescribes requirements and standards for the physical plant of a child care facility.

Section R9-5-602 prescribes specific physical plant requirements for child care facilities including: infant room exits; number of toilets and hand washing sinks; procedure for approval of special needs diaper changing; and requirements for safety glass or barriers.

Section R9-5-603 prescribes square footage requirements for indoor and outdoor activity areas in child care facilities. This section also includes the requirements and procedures for requesting an outdoor activity area exemption or substitution.

Section R9-5-604 prescribes standards for outdoor activity areas including accessibility, fencing, surface materials, and shade.

Section R9-5-605 prescribes standards and inspection report requirements for swimming pools used by children enrolled in a child care facility.

Section R9-5-606 prescribes requirements for fire extinguishers at a child care facility.

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Section R9-5-607 prescribes requirements for the submission of physical plant documents specific to each type of child care facility prior to the licensure or modification of the child care facility.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

8. The summary of the economic, small business, and consumer impact:

A. Objective of the rulemaking

The Director of the Arizona Department of Health Services (Department) has prescribed these rules pursuant to A.R.S. §§ 36-883 and 36-883.04 establishing minimum child care facility standards for facility licensure, facility administration, facility staff, facility program and equipment and the physical plant of a facility that protect the health, safety and well-being of children receiving care in any private or public child care facility. The adopted rules are applicable to public and private child care facilities and are consistent with current policy and practice.

B. Identification of those affected by the rulemaking

The costs associated with implementation of the adopted rules will be borne by the Department and child care facilities in schools and private child care facilities. Consumers (parents) and individuals applying for registration will also incur minimal increased costs. The economic, small business, and consumer impact analyzes the costs, savings, and benefits that accrue to the Department, schools and private child care facilities, consumers of child care services, and individuals applying for registration.

C. Summary of economic, small business and consumer impact of the rulemaking

Increased costs for the Department include mailing and service costs for timely notification of Department decisions related to applications for licensure and registration. Additional expenditures to the Department are estimated to be approximately \$1,556 annually.

The estimated increase in cost for a child care facility to implement the rules is \$21.10 to \$2,960. The estimated decrease in cost to a child care facility is between \$31 and \$642. The costs are for obtaining the Mantoux test for Tuberculin testing, maintaining required records, requiring an individual who meets director qualifications to substitute for the facility director, providing a wall to separate infants from older children, requiring antibacterial soap, requiring single use latex gloves for diaper changing, requiring facilities that prepare food to provide a 3-compartment sink and a handwashing sink, requiring single use latex gloves and reclosable plastic bags in a first aid kit, ensuring that special needs children are properly secured when being transported, requiring separate storage areas for staff and children medications, complying with fencing and playground requirements.

Benefits associated with implementation of the rules include increased safety for approximately 138,000 children currently receiving child care services; increased regulatory clarity and consistency for the Department, child care facilities, and consumers including established time-frames for the Department's application process; increased availability of qualified facility directors. Cost reductions or avoidances include the reduced times to maintain some records, ability to substitute 2-way communication devices for a dedicated phone line, ability to substitute indoor activity area for outdoor activity area, reduction of instructional hours required to qualify as a director, and the reduced number of required personal and professional references.

The costs and benefits of specific rules are as follows:

R9-5-201: Although there is a potential loss of income, the applicant or applicant's designee has 90 days from the date of submission of an application to complete training.

R9-5-202: The adopted rules establish time-frames for the licensure process and will increase costs for ADHS by requiring the use of certified mail, with return receipt requested, to provide notice of licensure decisions to an applicant who will benefit by being able to anticipate a response within an established time-frame and plan accordingly.

R9-5-204: The adopted rules increase costs for ADHS to process registration reconsiderations and notify individuals of registration reconsideration decisions using certified mail with return receipt requested.

R9-5-206: The adopted rules establish time-frames for the renewal licensure process and will increase costs for ADHS by requiring the use of certified mail with return receipt requested to provide notice of renewal licensure decisions to an applicant.

R9-5-301: The adopted rules require private and public child care facilities to be tested for pulmonary tuberculosis using the Mantoux test which may affect cost. The Department has determined that the Mantoux test is the most accurate test available for Tuberculin testing and recommends that it be used throughout the state when testing for tuberculosis.

R9-5-304: The adopted rules increase costs for child care facilities by requiring that a child care facility retain files on facility premises for previously enrolled children for 12 months from the date of the child's disenrollment.

R9-5-306: The adopted rules decrease costs for child care facilities by requiring the retention of attendance records for 12 months rather than 2 years as required in the current rules. This may offset an increase in costs for licensees operating multiple facilities who may no longer store attendance records in a central location in the same town or city as the child care facility. The Department will experience decrease costs for attendance record inspections.

R9-5-401: The adopted rules lower the training requirement for a facility director from 90 hours to 60 hours and increase the number of credentials that qualify an individual as a facility director. This will decrease costs for providers of child care services by increasing the availability of qualified individuals.

R9-5-402: The adopted rules requiring that 10 of the 12 documents in personnel records are kept on facility premises, increase costs for licensees operating multiple child care facilities who currently store personnel records at a central location in the same town or city. The Department will experience decreased costs for the inspection of personnel records not currently retained on facility premises.

R9-5-502: The adopted rules will increase costs for those child care facilities that do not currently provide infant child care services in a room separated from children older than 1 year. To allow a child care facility to budget for the economic impact of this requirement, the adopted rules provide 24 months from the effective date of the rules for a child care facility to comply with the adopted rules.

R9-5-503: The adopted rules reduce the chances of transmitting bacteria and will increase costs by requiring the use of antibacterial soap. Facilities will incur minimal costs for a diaper changing log and the use of single use latex gloves.

R9-5-507: The rules increase costs to ensure that when special needs children are transported, they are properly secured.

R9-5-509: The rules may increase costs by requiring a 3-compartment sink, separate handwashing sink, and antibacterial soap.

R9-5-514: The rules will increase costs to provide disposable latex gloves and reclosable plastic bags in the first aid kit.

R9-5-516: The adopted rules will decrease costs by decreasing the length of time child care facilities are required to have medication records available for the Department's review from 36 months to 12 months.

R9-5-603: The rules give facilities greater flexibility by allowing for the substitution of indoor activity area for outdoor activity area.

R9-5-604: Some facilities will have increased costs for providing and maintaining a minimum of 6 inches of nonhazardous, resilient material such as fine, loose sand or wood chips under swings and climbing equipment.

9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Based on public comments and the Department's review of the rules, the Department made non-substantive changes to punctuation and grammar, conformed language to Secretary of State requirements, and corrected cross references, statutory citations, and mislabeled subsections.

Delete "calendar" before "days" throughout the rules.

R9-5-101

Change the heading to "In this Chapter unless otherwise specified the following terms means:".

In subsection (2), delete "life threatening or nonlife threatening" and the ";" between "emergency" and "causes".

In subsection (3), add "the" after "by".

In subsection (3)(a), delete "The".

In subsection (8), delete subsection (b). Reletter subsection (c) to subsection (b).

In subsection (14), replace "and" between "legal" and "equitable" with "or controlling".

In subsection (20)(a), change "physician's" to "health care provider's"; delete ", or a child who is regarded by a parent as having such a condition whether the child has the condition or not"; add a "." after learning.

In subsection (36)(a), add "for a license" between "application" and "by".

In subsection (36)(b), change "Approved" to "licensed for child care services"; change "as prescribed by" to "under".

Restructure subsection (37) as follows:

"Field trip" means an activity planned by child care personnel for:

- a. Preschool children off facility premises, or
- b. School-age children off facility premises or school campus.

Delete subsection (40); renumber subsequent subsections.

In subsection (58), change "(32)" to "(28)".

In subsection (74), replace "by September 1 of a school year and attends" with "before beginning the current school year in".

Rewrite subsection (79) as follows:

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"Signed" means having affixed an individual's name consistent with customary usage on an official document or a symbol of the name if the individual is unable to write."

In subsection (82), replace "approved" with "authorized"; delete "for individuals enrolled in family and consumer sciences at a public school".

Add the following definitions:

9. "Application" means the documents required by the Department for licensure or registration.
30. "Days" means calendar days.
45. "High school equivalency diploma" means the document issued by the Arizona Department of Education under A.R.S. § 15-702 or by another state, to an individual who passes a general educational development test.
61. "N.A.C." means the National Administrator Credential, an award issued by the National Child Care Association to an individual successfully completing a test of ability to work effectively with children as a director of a child care facility.
76. "Resident" means an individual who does not provide child care but who is present in the facility for more than 30 consecutive days.

Renumber the subsections following the added definitions.

Renumber and rewrite subsection (88) as follows:

92. "Training" means the child care-related conferences, seminars, lectures, workshops, classes, courses, or instruction required by the Department of a licensee or child care personnel.

R9-5-201

In subsection (A)(1), change 21 to 18 years of age.

In subsection (A)(3), change "as prescribed by" to "under".

R9-5-202

Change subsection (B) as follows:

- B. For an initial license, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) is 30 days and begins on the date the Department receives an application.
 1. If any of the application documents is missing or if information on the submitted documents is deficient, the Department shall send to the applicant, by certified mail with return receipt, a written notice that states each deficiency and information and documents needed to complete the application. The 30 day time-frame for the Department to finish the administrative completeness review is suspended from the date the Department mails the deficiency notice to the applicant until the date the Department receives the deficient information or missing document.
 2. If all of the documents are submitted and the information on the documents is complete, the Department shall send written notice of administrative completeness to the applicant.
 3. If the documents or information are not submitted within 180 days from the date of notice of incompleteness, the Department shall consider the application withdrawn.

Add subsection (D) as follows:

If a time-frame's last day falls on a Saturday, Sunday, or a legal holiday, the next business day will be considered the time-frame's last day.

R9-5-203

In subsection (A), change "register" to "apply for registration".

Rewrite subsection (A)(2) as follows:

A registration to work form, provided by the Department, completed and signed by the applicant, and notarized that contains:

In subsection (A)(2)(a), add "The" before "Applicant's". Change "Applicant's" to "applicant's".

In subsection (A)(2)(b), add "the" before "date".

In subsection (A)(2)(c), add "the" before Facility"; change "Facility" to "facility".

In subsection (A)(2)(d), add "An" before "Identification"; change "Identification" to "identification".

Change subsection (A)(3) to:

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3. A registration recap form provided by the Department, completed by the applicant for licensure or the licensee, which contains the:

In subsection (A)(3)(a), insert "the" between "of" and "facility".

In subsection (B), insert "or volunteer service" between "of" and "employment".

Rewrite subsection (C) as follows:

Within 30 days of receipt of an application for registration, the Department shall return to the applicant or licensee a copy of the registration recap form with verification of the Department's receipt. The individuals listed on the verified registration recap form are registered with the Department to work in the child care facility listed on the recap form until the Department denies or revokes the registration.

Rewrite subsection (D) as follows:

A registered licensee of staff member who has had an uninterrupted association with or continuous employment in a licensed facility which changes ownership, shall submit the documents in subsections (A)(2) and (A)(3) to the Department within 20 days from the date of ownership change.

R9-5-204

Delete subsection (A)(1); renumber subsequent subsections.

Rewrite subsection (B) as follows:

If the Department has determined an individual may have a detrimental effect on the health, safety, or welfare of children or an individual has committed one of the offenses listed in A.R.S. § 36-883.02(G), not subject to A.R.S. § 36-883.02(L), the Department shall send a written notice of denial or revocation of registration to the:

1. Individual, by certified mail with return receipt, that states:
 - a. The reason for the denial or revocation of registration, and
 - b. The individual's right to a hearing by the Department if requested in writing within 30 days from the receipt of the Department's notice.
2. Licensee or applicant for licensure within 5 days of the individual's receipt of the notice required in subsection (B)(1).

Rewrite subsection (C) as follows:

If an individual has committed one of the offenses in A.R.S. § 36-883.02(L), the Department shall determine whether the individual is a recidivist. An individual is not a recidivist if the individual meets the following requirements:

1. If the offense was a felony, 5 years or more have passed between the conviction of the offense and the date the individual submitted a complete application for registration and the individual is not awaiting trial on, has not been convicted of, or has not admitted in open court or as prescribed by a plea agreement, committing any felony within the last 5 years or any misdemeanor within the last 2 years; or
2. If the offense was a misdemeanor, 2 years or more have passed between the conviction of the offense and the date the individual submits a complete application for registration and the individual is not awaiting trial on, has not been convicted of, or has not admitted in open court or as prescribed by a plea agreement, committing any felony or misdemeanor within the last 5 years or any misdemeanor within the last 2 years.

Rewrite subsection (D) as follows:

If an individual does not meet the requirements of subsection (C), the Department shall send a written notice of denial or revocation of registration to the:

1. Individual, by certified mail with return receipt, that states:
 - a. The reason for the denial or revocation of registration, and
 - b. The individual's right to a hearing by the Department if requested in writing within 30 days from the receipt of the Department's notice.
2. Licensee or applicant for licensure within 5 days of the individual's receipt of the notice required in subsection (B)(1).

In subsection (E) replace "applicant" with "individual".

Rewrite subsection (F) as follows:

Within 30 days from the date of receipt of a notice of intent to deny a registration, an individual may submit a request for reconsideration to the Department that contains the individual's name, address, and telephone number and written documentation that demonstrates the individual is rehabilitated, including:

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1. Employment history of at least 6 months of continuous employment, with no more than 7 consecutive days break in employment within 2 years before the date of receipt of a completed application, including the name, address, and telephone number of each employer or educational history that shows the completion of at least 2 consecutive semesters at a post secondary education institution within 2 years before the date of receipt of a completed application, including the dates of enrollment and completion of course work;
2. Two written references from individuals, 18 years of age or older and not related by blood or marriage to the individual, who have known the individual for at least 6 months before the date of receipt of a completed application;
3. An explanation of why the individual believes the individual has been rehabilitated;
4. Any other documentation which the individual believes supports the individual's claim of being rehabilitated; and
5. A copy of any court record, such as conviction notice, plea bargain agreement, presentence investigation, minute entry, probation termination or completion document, or any expungement or pardon record that pertains to each crime for which the individual has been convicted. If the individual is unable to provide court documents for each conviction, the individual shall provide written documentation from the court having jurisdiction stating the reason the records are unavailable.

Rewrite subsection (G) as follows:

Within 30 days from the date of receipt of the written documentation required by subsection (F), the Department shall determine whether the individual meets the requirements in subsection (F). If the individual meets the requirements, the Department shall send a written notice of registration to the individual. If the individual does not meet the requirements, the Department shall deny the registration following the requirements in subsection (B).

In subsection (I), change "applicant" to "individual".

Reletter subsection (I) to (H) and (J) to (I).

R9-5-205

In subsection (A)(4), change "(46)" to "(48)".

In subsection (A)(5), change "(61)" to "(64)".

In subsection (A)(6), change "(74)" to "(79)".

R9-5-208

In subsection (A), replace "A licensee" with "Additionally a licensee".

R9-5-209

In subsection (A)(4), insert "operate or" between "to" and "work".

R9-5-301

Change R9-5-301(A)(1) as follows:

Designates in writing, an individual to act on behalf of the facility director when the facility Director is not present in the facility and that the individual has access to all records necessary for performance of the facility Director's duties.

- a. The individual shall be 21 years of age or older and provide documentation of:
 - i. High school or high school equivalency diploma and 6 credit hours or more in early childhood, child development, or closely related field in an accredited college or university, or 30 actual hours of instruction, provided in conferences, seminars, lectures, or workshops in the areas of early childhood, child development, or closely related field, and 12 months or more of child care experience;
 - ii. N.A.C., C.D.A., C.C.P., or C.P.C. credential and at least 12 months of child care experience;
 - iii. A minimum of 24 credit hours from an accredited college or university, including at least 6 credit hours of course work in the areas of early childhood, child development, or closely related field, and 12 months of child care experience;
 - iv. Associate degree from an accredited college or university in the areas of early childhood, child development, or closely related field, and 6 months of child care experience; or
 - v. Bachelor degree from an accredited college or university in the areas of early childhood, child development, or closely related field, and 3 months of child care experience.
- b. A licensee has 12 months from the effective date of these rules to comply with this requirement.

Change subsection (F) to:

A licensee shall ensure that each staff member or an individual who is a resident at the facility submits 1 of the following documents provided by a health care provider as evidence of current freedom from pulmonary tuberculosis:

1. A report of a negative Mantoux skin test administered to a resident at the facility or to a staff member no later than 12 hours after the starting date of employment; or
2. A physician's written statement that the staff member or the individual who is a resident at the facility is currently free from tuberculosis.

R9-5-303

In subsection (A)(6), change "an outbreak" to "the presence".

Add subsection (A)(15) as follows:

A provision stating that the facility is regulated by the Arizona Department of Health Services including the Department's address and telephone number.

R9-5-304

Rewrite subsection (D)(2) as follows:

Maintain the records in subsection (D)(1) for 12 months from the date of disenrollment on facility premises in a place separate from the current Emergency, Information, and Immunization Records cards. If a licensee is a school governing board, a charter school, or a person operating multiple child care facilities, the licensee may maintain disenrollment records in a single, central administrative office located in the same city, town, or school attendance area as the facility.

R9-5-305

In subsection (A)(1), delete "(A) and (B)" after "R9-6-703"; change "as prescribed in" to "under".

In subsection (D), delete ", as defined in A.A.C. R9-6-101(14),".

Rewrite subsection (D) as follows:

If a licensee is notified by a parent, staff member, or health care provider, that a child or staff member has a communicable disease, the licensee shall ensure that child care personnel do not permit a child who lacks written evidence of immunity to the communicable disease to be present in the facility until:

1. A parent provides written evidence of the child's immunity to the disease; or
2. A local health department notifies the licensee that the child may return to the facility.

R9-5-306

Rewrite subsection (A)(1) as follows:

A licensee shall maintain a written or electronically logged and dated attendance form containing a child's name with the time of each admission and release of the child.

1. A licensee shall ensure that the attendance form is signed with at least a 1st initial and last name by each child's parent or individual designated in writing or by telephone by a parent, each time the child is admitted or released. An electronic fingerprint verification may be used in place of a signature of a parent or designated individual to verify identity before admitting or releasing a child.

Rewrite subsection (D) as follows:

If a licensee is notified by a parent, staff member, or health care provider, that a child or staff member has a communicable disease, the licensee shall ensure that child care personnel do not permit a child who lacks written evidence of immunity to the communicable disease to be present in the facility until:

1. A parent provides written evidence of the child's immunity to the disease; or
2. A local health department notifies the licensee that the child may return to the facility.

R9-5-307

In subsections (A) and (B), delete "Immediately upon detection.". Rewrite the 1st portion of subsections (A) and (B) as follows: "A licensee or staff member shall report suspected or alleged child abuse...."

R9-5-309

In subsection (A)(1), insert "a minimum of" between "conducted" and "every".

In subsection (A)(2), insert "a minimum of" between "conducted" and "every".

In subsection (A)(3), insert "a minimum of" between "conducted" and "every".

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R9-5-401

In Section R9-5-401, change "G.E.D." to "high school equivalency diploma".

In the introductory sentence, insert "or volunteer service" between "employment" and "at".

In subsection (1), insert "1 of" between "of" and "the".

In line 1 of subsection (1)(a), delete "at least" and insert "or more" between "hours" and "in".

In line 3 of subsection (1)(a), delete "as".

In line 5 of subsection (1)(a), delete "at least" and insert "or more" between "months" and "of".

In subsection (b), add N.A.C. before C.D.A.

In subsection (2), insert "1 of" between "of" and "the".

In subsection (2)(b), add N.A.C. before C.D.A.

In subsection (3), insert "1 of" between "of" and "the".

Change subsection (3)(a) to:

"a. Current enrollment and continuous attendance in high school or a high school equivalency class,"

In subsection (3)(c), delete "as prescribed by A.R.S. § 15-781.01".

In subsection (4)(a), delete "as prescribed by A.R.S. § 15-781.01".

R9-5-402

Renumber subsection (8) to (11). Renumber subsection (11) to (8).

In subsection (12) change "3 personal and 3 professional references" to "2 personal and 2 professional references".

R9-5-403

In line 3 of subsection (A), add "all of the following" after "includes".

In subsection (A)(8), insert "sanitation," between "service," and "and".

In subsection (A)(12), delete "and" after "procedures;"

Add to subsection (A):

"14. Sun safety policies and procedures; and

15. Safety on outdoor activity areas."

In subsection (B) delete ", through conferences, seminars, lectures, or workshops,"

In subsection (B)(6) change to "Nutrition and developmentally appropriate eating habits."

In subsection (B)(9) delete "and" after "development;"

Add to subsection (B):

"11. Sun safety policies and procedures; and

12. Safety on outdoor activity areas."

In subsection (E)(2), change "that" to "which".

Delete subsections (E)(4)(a)(b)(c)(d).

Renumber subsection (5) to subsection (4).

R9-5-404

Revise subsection (G) as follows:

"When transporting enrolled children who are not school age in a motor vehicle, a licensee shall maintain the staff-to-children ratios required by subsection (A) in addition to the motor vehicle driver unless 4 or fewer children are being transported."

R9-5-501

Change the introductory sentence in subsection (A)(8) to:

"If a staff member places a child in a high chair when feeding a child."

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In subsection (10)(a), delete "and naps" and renumber to subsection (11). Reletter subsequent subsections in subsection (10) and renumber subsequent subsections following subsection (11).

In subsection (A)(20), insert after "substances": "that may be a hazard to a child and".

In subsection (B)(3), add after "premises": "except in designated areas separated from the children."

In subsection (B)(7), insert "sun screen or sun block preparations," between "ointments," and "and".

In subsection (B)(8), replace "with the parent" with "when the facility releases the child to the child's parent;".

R9-5-502

In subsection (A)(7)(b), change "in a quantity at least 3 times greater than the number of infants in attendance and" to "in a quantity sufficient to meet the needs of the infants in attendance".

In subsection (A)(8)(c), insert "top sheet or" between "a" and "blanket."

In subsection (B)(2), delete "30" before "minutes"; insert "30" before "consecutive".

In subsection (C)(1)(d), delete ", and accidents while the infant is in the facility". Insert "and" between "consumption," and "diaper". Change "2" before "months" to "3".

In subsection (C)(1)(g), replace "the" with "each"; delete the "s" from "sheets" and "blankets".

In subsection (C)(2)(a), (b), and (c), replace "a child" with "an infant".

In subsection (C)(3)(c), replace "2" with "3".

R9-5-503

In subsection (A)(2), replace "adjacent" with "next".

In subsection (A)(2)(a), add "between 86 and 110 degrees Fahrenheit." after "water".

In subsection (C)(4), add "between 86 and 110 degrees Fahrenheit" after "water".

In subsection (C)(5), add "between 86 and 110 degrees Fahrenheit" after "water".

In subsection (D)(2), replace "2" with "3".

R9-5-504

In subsection (3)(a), change "at least 3 times greater than the number" to "sufficient to meet the needs of the".

In subsection (3)(a)(iv), delete "unit".

R9-5-505

Change "at least 3 times greater than the number" to "sufficient to meet the needs of the".

In subsection (2), delete "unit".

R9-5-507

In subsection (A)(1)(h), delete "and" after "therapy;".

In subsection (A)(1)(g), add "and" after "needs;".

In subsection (A)(1), add:

"j. Participation in fire evacuation drills."

In subsection (A)(3), add "and" after "parent;".

In subsection (A)(4), delete "; and" after "occur" and add a period after "occur".

Delete subsection (A)(5).

R9-5-508

Move R9-5-509(J) to R9-5-508 and reletter as subsection (A).

Move R9-5-509(K) to R9-5-508 and reletter as subsection (B).

Relletter subsection (A) to subsection (C) and rewrite the introductory sentence as follows:

"If a licensee provides food, the licensee shall prepare and serve food according to the following meal pattern requirements:"

Add subsection (D):

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"If a parent provides food for the parent's child, the licensee shall provide milk or juice to the child if not provided by the parent."

Reletter subsection (B) as subsection (E) and rewrite introductory sentence as follows:

If a licensee plans and serves meals, the meals shall:

Reletter subsection (C) to subsection (F). Change the reference in the subsection from R9-5-508(A) to subsection (C).

Delete subsection (D).

Reletter subsection (E) to subsection (G). Change the reference in the subsection from subsection (A) to subsection (C).

R9-5-509

In subsection (A), insert "prepares or" between "that" and "serves".

Delete subsection (A)(1); add subsection (2) to subsection (A) and delete (2); renumber subsections (a), (b) and (c) as subsections (1), (2), and (3) respectively.

In subsection (B)(3), delete "numerically scaled".

In subsection (B)(5), delete "," after "metal" and "stem-type" and delete "numerically scaled".

Delete subsections (D) and (E).

Reletter subsequent subsections.

In subsection (G), change "staff member" to "licensee"; delete "provided for a child either by a parent or licensee".

In subsection (H), delete "being served food".

In subsection (H)(1)(a), insert "if indicated in the child's individualized plan" between "needs" and ",".

In subsection (I)(2), change "12" to "3".

Move subsection (J) to R9-5-508(A).

Move subsection (K) to R9-5-508(B).

Reletter subsequent subsections.

R9-5-511

In subsection (A)(3), insert "or sheet" between "blanket" and "is available".

R9-5-512

In subsection (D)(4), delete "and other refuse".

In subsection (D)(4)(a), delete "paper bag or"; add "bag" after "plastic".

In subsection (D)(4)(b), insert "Food" before "waste" and "and other refuse" between "waste" and "is".

R9-5-514

In subsection (A)(2), replace "alcohol" with "antiseptic".

In subsection (A)(4), delete "in 2" by 2" size".

In subsection (A)(6), delete "A pair of tweezers." Renumber subsequent subsections.

In subsection (B), insert "evacuation," between "accident" and "and"; after "members" add "and update the plan every 12 months from the date of initial preparation or when any information changes."

In subsection (D)(1), add "on the facility" after "service".

In subsection (E), insert "evacuation," between "accident" and "and".

R9-5-515

In subsection (B)(3), change "2" to "3".

In subsection (D)(1), delete "for".

In subsection (D)(2), replace "notifications" with "notification".

R9-5-516

In subsection (A), delete "by the facility director".

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In subsection (A)(1), add a 2nd sentence: "A facility director shall ensure that only 1 staff member in the facility at any given time is responsible for the administration of medications."

In subsection (A)(2)(c), delete "Name of dispensing pharmacy and".

In subsection (A)(2)(d)(i), add "and route of administration".

In subsection (A)(3)(b), add after manufacturer, "and labeled with the child's name; and".

In subsection (B), change 2nd sentence to read "Only those health care providers authorized by state law to give injections are permitted to give injections to an enrolled child."

R9-5-517

In subsection (A)(1), replace A.R.S. § 28-301 *et seq.* with A.R.S. § 28-2001 *et seq.*

In subsection (A)(2), replace A.R.S. § 28-1251 *et seq.* with A.R.S. § 28-4131 *et seq.*

In subsection (A)(7), replace A.R.S. § 28-402(4) with A.R.S. § 28-1301(1).

In subsection (A)(8)(b), replace A.R.S. § 28-402(4) with A.R.S. § 28-1301(1).

Rewrite subsection (A)(11) as follows:

"Maintain the service and repair records of all motor vehicles that are owned and leased by a licensee for the transportation of enrolled children as follows:

- a. A person operating a single child care facility shall maintain the records for 12 months from the date of an inspection or repair in a single location on facility premises.
- b. A public or private school that uses a school bus as defined in A.R.S. § 28-101 (41) shall maintain records for the school bus as provided in A.A.C. R17-9-108(F).
- c. A school governing board, a charter school, or a person operating multiple child care facilities shall maintain the records for 12 months from the date of an inspection or repair for any motor vehicle other than a school bus in a single administrative office located in the same city, town, or school attendance area as the facility."

In subsection (B)(1), delete "qualified".

In subsection (B)(2), replace A.R.S. § 401 *et seq.* with A.R.S. § 28-3151 *et seq.*

In subsection (B)(6), replace A.R.S. § 28-402(4) with A.R.S. § 28-1301(1).

R9-5-602

In subsection (C), change "exemption" to "approval".

R9-5-604

In subsection (B), add "Except as provided in subsection (C)," before "a licensee".

In subsection (B)(1)(a), add "A minimum of" before "4".

In subsection (B)(1)(c), change "with open spaces on a fence or gate that do not exceed 3.5 inches in width or height" to "with either vertical or horizontal open spaces on a fence or gate that do not exceed 4.0 inches".

Rewrite subsection (C) as follows:

"A licensee shall ensure that a playground used only for school age children at a facility operating at a public or private school meets the requirements of the public or private school. If the Department determines by inspection that a facility fence on a public or private school does not ensure the health, safety, or welfare of enrolled children, the licensee shall meet the fencing requirements of subsection (B)."

Rewrite subsection (D) as follows:

"A licensee shall ensure that the following is provided and maintained under swings and climbing equipment in an outdoor activity area:

1. A shock-absorbing rubber unitary surfacing material manufactured for such use in outdoor activity areas; or
2. A minimum depth of 6 inches of a nonhazardous, resilient material such as fine loose sand or wood chips."

Add subsection (E) as follows:

"A licensee shall ensure that hard surfacing material such as asphalt or concrete is not installed or used under swings or climbing equipment unless used as a base for a rubber surfacing."

Reletter subsection (E) to (F).

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R9-5-605

In subsection (B)(1)(f), insert "use and in" between "in" and "operating".

In subsection (B)(1)(f)(ii), change "and" to "or".

In subsection (B)(3), delete "used for wading"; change "and" between "(B)(1)" and "(B)(2)" to "or".

In subsection (B)(5), replace "while the swimming pool is in use" with "for 3 months from the date of use".

10. A summary of the principal comments and the agency response to them:

The following comments were received by the Department:

R9-5-101 through R9-5-607

COMMENT: One person recommended that the Department develop an alternative system for licensing public school child care facilities which would keep teachers aware of changes that may benefit a school program and take into consideration the financial limitations of a school district.

RESPONSE: A.R.S. § 36-883 requires the Department to promulgate rules that protect the health, safety, and well-being of children in child care facilities. Under A.R.S. § 36-884(3), a unit of the public school system is required to meet the standards prescribed under A.R.S. § 36-883.04 when providing child care. A.R.S. § 36-883.04 requires rules for public schools to be comparable to rules for private child care facilities. As required, the Department has promulgated rules that are comparable and that protect the health, safety, and well-being of children in public and private child care settings.

R9-5-101

The Department received comments requesting that several definitions be changed. The following suggested changes were not made because the Department determined the changes could pose a danger to the health and safety of children at a child care facility:

Assistant teacher-caregiver - One person suggested modifying the definition to permit an individual to work in a facility without being in the presence of a teacher-caregiver. The Department determined that an assistant teacher-caregiver lacks the child care experience and qualifications to care for children without being supervised by a teacher-caregiver.

Infant - One person recommended modifying the definition to allow, without requiring written permission, a child who is 18 months of age or younger and not walking to be placed with one-year-old children who may be walking. The Department has determined that to allow such a child to be integrated with children who are least 12 months of age and walking would pose a safety risk to the non-walking child who has limited ability to move out of harm's way.

One-year-old - One person recommended modifying the rule to allow, with a parent's permission, a child 12 months of age or older who is not yet 2 years of age and is not yet walking to be placed with children who are walking. The Department considers this a safety risk to the non-walking child because the non-walking child has limited ability to move out of harm's way.

Supervision - One person provided a recommendation that did not include the physical presence as 1 of the components of supervision. The Department has determined physical presence to be an essential element of supervision to protect the health and safety of children on facility premises.

The following recommended changes were unnecessary because the Department determined the recommendations were already included in the definitions:

Activity - Change "while supervised by a staff member" to "while in the presence of an individual meeting requirements of staff to child ratios".

Volunteer - Add to the definition: "This individual could also be classified as teacher-caregiver or assistant teacher-caregiver should the individual fulfill requirements as outlined in R9-5-203, R9-5-301, and R9-5-401.

Add the definition of **teacher's assistant** who is an individual 16 to 17 years of age enrolled in an educational, curriculum-based course of study who, without being compensated by a licensee, is present at a facility to receive instruction from and supervision in the presence of a teacher-caregiver in the provision of child care services. The Department determined that such a person would be included in the definition of a volunteer.

The following suggested changes were not made because the Department determined the changes were inconsistent with the rules:

Accredited - Change to mean an award that is issued by an accrediting body of a national organization. The Department intends accredited to mean an award issued by an institution of higher learning that approves colleges and universities, not organizations that issue awards to individuals or other organizations.

Student-aide - Change the definition to permit supervision by a teacher-caregiver only. The Department determined the suggestion is overly restrictive because the intent is to allow a director or teacher-caregiver to supervise a student aide.

R9-5-201(A)(3)

COMMENT: Can a person other than an applicant attend training? If so, is the designation required to be in writing?

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RESPONSE: The rule states that the applicant or individual designated by the applicant has to attend the training and has to submit written document to verify attendance.

R9-5-203(A)(1)

COMMENT: Change to indicate reciprocity and acceptance of fingerprinting cards obtained by the Arizona Department of Education for employment.

RESPONSE: Since A.R.S. § 36-883.02 already contains provisions exempting individuals fingerprinted pursuant to A.R.S. §§ 15-512 and 15-534 from refingerprinting, the recommended change is unnecessary.

R9-5-203(A)(3)(c)

COMMENT: Better delineate the staff member registration requirement.

RESPONSE: A.R.S. § 36-883.02 requires registration of each staff member which includes each employee and volunteer at a child care facility. R9-5-301(E) states that certain individuals who are not registered can provide services at a child care facility as long as they are supervised by registered personnel.

R9-5-204(G)(1)(b)

COMMENT: How is post-secondary education related to the rehabilitation of a person who has committed a criminal offense? What field of study is acceptable? How will the center know if that person has been rehabilitated or not?

RESPONSE: A.R.S. § 36-883.02 requires a person to demonstrate that he or she is rehabilitated. The Department has determined that 1 of indicators of rebuilding a life acceptable to society is completion of 2 consecutive semesters at a post secondary educational institution in any field of study. The child care facility is still required to check references.

R9-5-301(A)(1)

COMMENT: Allow someone who is not director qualified to act on behalf of the director in the director's absence.

RESPONSE: A licensee designates a facility director to ensure that the facility complies with the child care statutes and rules on a daily basis. Allowing an individual who is not director qualified to act on behalf of the licensee could jeopardize the health and safety of the children and lead to liability problems for a licensee.

R9-5-301(A)(3)

COMMENT: Delete the requirement for a daily staff sign in/sign out attendance record that lists the time of arrival and departure of each staff member on the attendance record.

RESPONSE: This information is necessary for showing compliance with the child to staff ratios at a facility at any given time.

R9-5-301(F)

COMMENT: Do not require staff members to be tested for pulmonary tuberculosis every 2 years.

RESPONSE: The Department has determined that testing every 2 years is unnecessary.

COMMENT: Add the requirement that when a center is located in a private home, every member in the household is subject to pulmonary tuberculosis screening.

RESPONSE: The intent of this rule is to protect children from exposure to TB. Pursuant to current rule, those individuals living in a private home in which a child care facility is located are required to be tested for pulmonary tuberculosis. The Department will add individuals living in a child care facilities.

R9-5-301(H)

COMMENT: Anyone who works with children in day care, church care or whatever, licensed by the state or not, should be required to have CPR and first aid training.

RESPONSE: The Department has determined that at least 1 person with CPR and first aid training needs to be on the facility premises at all times to protect the health and safety of enrolled children. This is a minimum standard and the facility may provide more persons with CPR and first aid training.

R9-5-301(J)(1)

COMMENT: Delete the fire evacuation drill plan for a special needs child because it is not required by the individualized education plan set forth at R9-5-507(A)(1).

RESPONSE: Participation in fire evacuation drills is required so that a special needs child and the staff would know what to do in the event of a fire. The child's individualized plan should include this requirement.

R9-5-301(K)

COMMENT: Permit personnel files to be kept in a central location rather than on facility premises.

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RESPONSE: The information in the personnel files needs to be readily available on facility premises in case of emergencies. Additionally, the information in the personnel files is checked during a Department inspection for compliance with A.R.S. § 36-881 *et seq.* and the rules. Maintaining the files off the facility premises would necessitate 2 visits to the facility rather than 1.

R9-5-303(A)(5)

COMMENT: Do not require posting of food changes on a food menu.

RESPONSE: A food menu serves as an informational source of the food to be served in the facility before and after the food is served. Staff and parents should be alerted to any changes in the menu as quickly as possible in case there are any health issues involved with the food that is to be served. The information is also important in the event there are health issues after the child has eaten the food. The posting requirement provides information to safeguard both the parents and the facility.

R9-5-303(A)(6)

COMMENT: Change the word "outbreak" to "presence" because some diseases are present before an outbreak is declared. Notice should be posted when a disease is present.

RESPONSE: The Department agrees and will change "outbreak" to "presence".

R9-5-304(B)

COMMENT: Allow a child care facility in a school to use district forms in place of the immunization and emergency forms.

RESPONSE: The immunization and emergency form includes specific information about each child being cared for at a facility that is needed for emergency situations. Each district includes different information on its form and may not include some of the information that is required on the immunization and emergency form. To ensure that a facility has this information it needs to use the immunization and emergency form prescribed by the Department.

R9-5-304(D)(2)

COMMENT: Change to keep the disenrollment information at the main office or central location.

RESPONSE: The Department has determined that a licensee who is a school governing board, charter school, or person operating multiple child care facilities, should be able to keep disenrollment records in a central location.

R9-5-305(D)

COMMENT: Change the word "outbreak" to "presence" because some diseases are present before an outbreak is declared. Notice should be posted when a disease is present.

RESPONSE: The Department agrees and will delete "outbreak" and change the subsection to reflect "presence".

R9-5-306(A)

COMMENT: Because school districts already submit attendance records to the Department of Education, delete the requirements for schools to keep attendance records.

RESPONSE: The school keeps records for school attendance according to procedures established by the schools. These procedures do not conform to the procedures required by these rules.

COMMENT: Do not require children with special needs to sign in and sign out because the state funded preschool program already requires a parent's signature for the IEP prepared at the beginning of the school year.

RESPONSE: A signature of a parent or individual designated by a parent is required each time a child is admitted or released. The signature is required to assure admission and release of children by authorized persons. The requested change would not ensure the safety of the children.

COMMENT: Do not require sign in or sign out for each child but allow group sign in or sign out.

RESPONSE: A signature of a parent or individual designated by a parent is required each time a child is admitted or released. The signature is required to assure admission and release of children by authorized persons. The suggested change would not ensure the safety of children.

R9-5-306(A)(1)

COMMENT: Change to include an electronic fingerprint verification.

RESPONSE: A fingerprint is considered a "true" signature of an individual. The Department recognizes such signatures and has determined that a facility should be able to use electronic fingerprint verification.

R9-5-306(A)(5)

COMMENT: Require attendance records to be kept at a main office instead of facility premises for billing and DES purposes.

RESPONSE: The information on attendance records needs to be readily available on facility premises in case of emergencies. Additionally, the information on attendance forms is checked during inspections by the Department. Main offices of child care

facilities are generally open from 8 a.m. to 5 p.m. Inspections may take place outside these hours and maintaining the files off the facility premises would necessitate 2 visits to the facility rather than 1.

R9-5-306(B)

COMMENT: Change 3 months to 1 year.

RESPONSE: The purpose of keeping rosters is to determine where each child is located within the facility during any given period. This is especially true in case of an evacuation. The roster serves as documentation of the location of a child at any given time if a complaint is lodged against a facility. Since complaints are investigated by the Department within 3 months of their submission, there is no reason to keep the roster for longer than 3 months.

R9-5-307(A) & (B)

COMMENT: Change "detection" to "reasonable suspicion" because detection is too high a standard. Suspected or alleged child abuse should be reported if there is any reasonable suspicion.

RESPONSE: A.R.S. § 13-3620 sets out the standards for reporting child abuse or neglect. In the statute, detection is based upon reasonable grounds. Since the statute already contains the standards for reporting, it is unnecessary and confusing to provide a standard in the rule. "Immediately upon detection" will be deleted.

R9-5-401(1)(a) and (2)(a)

COMMENT: Change the qualifications requirements in subsections (a) for employment or volunteer service as a director or teacher-caregiver. Two commenters recommended that instruction obtained at conferences, seminars, lectures, or workshops not be included as qualifying education for facility directors or teacher-caregivers. One commenter recommended that individuals with only a high school or high school equivalency diploma should not be allowed to qualify as facility directors.

RESPONSE: The rule contains the minimum requirements necessary for an individual to obtain the skills and knowledge to be responsible to operate or to be a teacher-caregiver at a child care facility. Many individuals who have only obtained a high school or high school equivalency diploma receive on-going instruction during many years of child care experience. The Department has determined that this instruction and experience provides on-the-job training that is difficult to duplicate elsewhere. Not allowing individuals with the qualifications in the above-cited subsections would cause a great hardship on facilities.

R9-5-401(1)(b) and (2)(b)

COMMENT: Add the National Administrator Credential (N.A.C.) to the list of credentials allowed for director and teacher-caregiver qualifications. Add to the definitions in R9-5-101.

RESPONSE: The Department honors this credential in addition to those listed in subsections (1)(b) and (2)(b) and will add it to the list and the definitions section.

R9-5-401(1)(f)

COMMENT: Accept the Arizona Department of Education's (ADE) certification standard for ADE Supervisory personnel.

RESPONSE: The suggested change is unnecessary because it is already covered by R9-5-401(1)(e).

R9-5-401(2)(a) and (3)(b)

COMMENT: Change the GED requirements to "consistent attendance in a qualified GED training program".

RESPONSE: The responsibilities of a teacher-caregiver are to develop the program at a facility, to supervise the assistant teacher-caregiver, and to care for the children. The basic skills one obtains through completion of high school or a GED program are essential to these responsibilities. Thus, an individual must have completed GED or high school. However an assistant teacher-caregiver works under the supervision of and implements the program of the teacher-caregiver. Thus, an assistant teacher-caregiver does not need to have completed high school or a GED program. The rules, in subsection (3)(a), permit enrollment in high school or a GED class.

R9-5-402(A)

COMMENT: Renumber subsection (8) to subsection (11) and subsection (11) to (8).

RESPONSE: These rules were incorrectly numbered and will be changed.

COMMENT: In subsection (12) change 3 personal and 3 professional references to 2 personal and 2 professional references.

RESPONSE: The Department has determined that 2 references provide all of the information that is needed to assess an applicant's qualifications for employment at a facility. Thus, 3 personal and 3 professional references are unnecessary and will be changed to 2 personal and 2 professional references.

R9-5-402(B)

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COMMENT: Allow all staff records to be maintained at a central location, such as a personnel office. Personnel records, such as applications, references, and evaluations should be kept by the Human Resources Department or in the main office of the Director.

RESPONSE: The records in R9-5-402(A)(1) through (A)(10) need to be available on facility premises for easy access for inspections and in case of an emergency or a complaint. The written performance records and references are not as critical to the operation of the facility and may be kept at a central location. The facility should determine where these records should be kept to ensure confidentiality. If a problem should arise with an employee, the Department can easily obtain references and evaluations from a central location.

R9-5-403(A) and (B)

COMMENT: Add: "all of the following" after "includes" to clarify that a staff member is required to complete training in all of the listed areas.

RESPONSE: The suggestion would make the rule clearer.

COMMENT: Add "sun safety policies and procedures as R9-5-403 (A)(13) and (B)(11) and "safety on outdoor activity areas" to R9-5-403(A)(14) and (B)(12).

RESPONSE: Since the Department has provided requirements in the rules for sun safety and outdoor activity areas, these areas should be included in the training required by the Department.

COMMENT: Mandate the training requirements and require the Department to provide the training.

RESPONSE: All staff members are required to complete the training in subsection (A). The Department does not have the resources to provide the training and is not in the business of providing training. Each facility's training will differ based on the type of services provided. Thus, the facility is the proper entity to be providing the training.

R9-5-403(A)(8)

COMMENT: Insert "sanitation, and safety" between "service," and "and"; add "or serving food" after "preparation": definition already includes these terms. The county codes will take care of this.

RESPONSE: It is important for a staff member to understand sanitation issues when preparing food. The Department will add sanitation.

COMMENT: Change the requirement for continuing education to 2 credits per year in early childhood education obtained at an accredited C.D.A., community college, or university.

RESPONSE: The Department has determined that a staff member should complete training in a minimum of 1 of the areas listed in (B). The suggestion would prevent a qualified individual who is enrolled in a GED program from remaining qualified. The cost of taking the classes may prevent some individuals from obtaining the training.

R9-5-403(B)(6)

COMMENT: Recommend changing subsection (B)(6) to: "Nutrition and developmentally appropriate feeding skills for young children" to allow for differences in children based on age, cultural, and family background.

RESPONSE: The Department agrees that the training on nutrition should include the differences in children based on the criteria contained in the definition of "developmentally appropriate".

COMMENT: Recommend changing subsection (B)(6) to: "Nutrition needs, dietary guidelines, and eating habits for young children appropriate to children's growth and development". The requester stated the language in the proposed rule is too broad and personnel will not get the training they need to serve food to children of different ages and backgrounds.

RESPONSE: The Department will change subsection (B)(6) to "Nutrition and developmentally appropriate eating habits". This change will require the training based on the different ages and background of the children at a facility.

R9-5-403(E)(4)

COMMENT: Do not require the Department to approve or disapprove the organizations allowed to qualify individuals as trainers of CPR and First Aid. The list of organizations in the proposed rules is too restrictive. Some of the organizations that are currently providing such training are not included on this list. Many facilities have contracted with facilities to provide the training.

RESPONSE: The Department agrees with the comments. Since the Department requires each staff member to demonstrate ability to perform CPR, a list of the organizations is not necessary.

R9-5-404(A)

COMMENT: The child to staff ratios are too high for all age groups except school age. The child to staff ratios established by the American Public Health Association, American Academy of Pediatrics, and National Association for the Education of Young Children should be used in place of those in the proposed rules.

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RESPONSE: The Child Care Standards Review Committee, established by the legislature in 1994, was charged with researching child to staff ratios in child care facilities and presenting its recommendations to the legislature. As part of its research, the committee reviewed child to staff ratios in facilities across the nation. Based on its research, the committee recommended that the current child to staff ratios remain the same.

R9-5-404(B)(3)

COMMENT: One person questioned allowing a volunteer to be counted as staff in staff to child ratios and requested standards for volunteers stating a good program can not depend on volunteers to care for children.

RESPONSE: By definition and A.R.S. § 36-883.02(M) a volunteer is a staff member. R9-5-403 requires that all staff members, including a volunteer complete the training listed in the rule.

R9-5-404(F)

COMMENT: For field trips, permit a van driver who is transporting children, not yet of school- age, to be counted in the child to staff ratios. If not, field trips may need to be canceled.

RESPONSE: There is no increase in costs to child care facilities because the current rule does not allow a van driver who is transporting children not yet of school age on field trips to be counted in child to staff ratios. The Department has determined the health and safety risk has not changed and will make no changes to this rule.

R9-5-404(G)

COMMENT: Replace the 2nd sentence in subsection (G) with: "A licensee shall provide a minimum of 2 staff members should 6 or more children be present in the motor vehicle."

RESPONSE: The rule already requires a minimum of 2 staff members if 6 or more children younger than school age are transported in a motor vehicle. The suggestion may cause the rule to be confusing by requiring that a licensee maintain required ratios and provide a minimum of 2 staff members. Upon review of the rule, the Department has determined that the requirements contained in the current rules should be retained.

R9-5-501(A)(6)(a)

COMMENT: Specify more clearly what it means to maintain toys, materials, and equipment in a clean condition. Does this mean dusted or do they have to be disinfected?

RESPONSE: The rule states that the toys, materials, and equipment are to be maintained in a clean condition. Clean means to remove dirt or debris by such methods as washing with soap and water, vacuuming, wiping, dusting, or sweeping. Thus, the toys, materials, and equipment must be kept clean at all times not cleaned once or twice a month. The rule specifically states when something has to be sanitized.

R9-5-501(A)(8)(d)(ii)

COMMENT: Require the food tray to be sanitized before and after each child's use.

RESPONSE: The Department has determined that sanitizing before use is sufficient. The critical time for a tray to be sanitized is before it is used.

R9-5-501(A)(10)(c)

COMMENT: Change to: "A television set is not operated in a licensed child care facility on a regular basis."

RESPONSE: It is not possible to use the suggested phrase "regular basis" because it is defined in R9-5-101(75) as "child care services offered at a facility at recurring, fixed, or uniform intervals." The requirements for activities listed in R9-5-501(5)(6) prohibit a facility from regularly using television viewing as an activity for children.

R9-5-501(A)(15)(c)

COMMENT: The Department received 2 comments stating crockpots should be permitted only in kitchens in areas inaccessible to children. Two comments were received stating that since crockpots are the only practical means of heating bottles, they should be allowed in infant rooms inaccessible to children.

RESPONSE: In the past 5 years the Department has documented incidences of 5 children, under the age of 2, who were seriously burned because crockpots were being used to heat bottles. The Department has determined that to protect the health and safety, crockpots will be limited to the kitchen in areas inaccessible to children. Although it is convenient to heat bottles in an infant room, the risk to infants has been demonstrated to be unacceptably high.

COMMENT: Two comments were received stating that the rules should be modified for school- age children to allow cooking experiences.

RESPONSE: The Department is not limiting the children's cooking experiences in the classroom. The Department is limiting extended exposure to potentially dangerous appliances. The children are still permitted to obtain cooking experience while supervised in the kitchen.

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R9-5-501(A)(20)

COMMENT: A substance with a child warning label should be stored in an area inaccessible to children that is locked with a key or combination lock.

RESPONSE: Some substances with child warning labels such as soap or bleach need to be readily available. Soap is used for washing hands and bleach is used to sanitize. Because of their frequent use, it would be impractical to keep them under lock and key. It is important to keep them inaccessible to children.

R9-5-501(B)(7)(a)

COMMENT: A licensee should not be allowed to provide personal care products for children. These products should only be provided by a child's parent.

RESPONSE: The Department's rules are promulgated to protect the health and safety of children in a facility. Allowing a provider, with the permission of a child's parent, to provide personal care products will not endanger the health and safety of children on a facility.

COMMENT: Add sunscreen and sun block products to the list of external personal products.

RESPONSE: The Department agrees these products need to be added.

R9-5-502(A)(7)(c)

COMMENT: Require 2 different adult chairs, 1 stable chair for feeding and 1 rocking chair for rocking.

RESPONSE: Requiring an adult-sized chair is a minimum standard. The licensee may provide as many additional chairs as the licensee chooses.

R9-5-502(A)(8)

COMMENT: The rules should require 1 evacuation crib for every 3 children.

RESPONSE: The licensee is required to provide a safe method for the immediate evacuation of children. The Department is not aware of any research establishing that an evacuation crib is the most effective way to evacuate children in an emergency. Each licensee should evaluate and determine the most effective method for the licensee's facility.

R9-5-502(C)(4)

COMMENT: The phrase "a staff member" should be deleted and be replaced with a "parent".

RESPONSE: The Department has the ability to regulate a facility, not parents. The facility may require a parent to label a bottle in order to meet the requirements of this rule.

R9-5-502(C)(4)(a)

COMMENT: Parents should prepare the formula, fill the bottles, and label the bottles before bringing the bottles to the facility.

RESPONSE: The individual making the suggestion has not shown that allowing a facility to prepare formula and fill bottles is a health and safety risk.

R9-5-502(C)(4)(b)(iii)

COMMENT: Delete this rule because of the possible temptation to give an infant a bottle in bed.

RESPONSE: A facility is required to feed an infant according to the written instructions provided by the infant's parent. It is the parent's responsibility to determine what is in the infant's best interests.

R9-5-502(C)(4)(d)

COMMENT: Delete this rule because parents should be required to bring filled, labeled bottles from home.

RESPONSE: Because there has been no identified health risk related to facility personnel reusing bottles, facility personnel will continue to be allowed to reuse bottles. This rule is necessary because it provides standards for facility personnel when reusing bottles.

R9-5-502(C)(5)(a)

COMMENT: Change the rule as follows: "Provide an infant with food for growth, and follows appropriate infant feeding practices that includes:"

RESPONSE: The rule requires a staff member to provide an infant with food for growth and development. Adding the phrase does not clarify the rule, but would make it more confusing because no precise standards are provided.

R9-5-502(C)(5)(a)(I)

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COMMENT: Change as follows: "Formula provided by a parent or the licensee that is prepared and stored in a sanitary manner at the facility, following written instructions required by subsection (C)(3) and reflects appropriate infant feeding practices."

RESPONSE: Adding "reflects appropriate infant feeding practices" does not clarify the rule, but would make the rule more confusing because no precise standards are provided.

R9-5-502(C)(5)(a)(ii)

COMMENT: Delete "written instructions required by subsection (C)(3)" and add "prescribed by the infant's health care provider".

RESPONSE: Parents should be able to determine what is appropriate for feeding his or her own child. It is not necessary or advisable to require a health care provider to make this determination in place of a parent.

R9-5-502(C)(5)(a)(iii)

COMMENT: Add "and is appropriate to the infant's growth and development".

RESPONSE: By adding the comment, the rule becomes confusing because there are differing philosophies about what is appropriate for an infant's growth and development.

R9-5-503(B)(3)

COMMENT: The Department received 1 comment supporting the rule and 1 comment stating that if the right cleansing procedures are used, an individual should be able to serve a snack in the afternoon after changing diapers in the morning.

RESPONSE: This rule is designed to prevent the contamination of food. Staff members who change diapers are frequently exposed to infections and diseases. To reduce the occurrence of illness, a staff member assigned to food preparation should not change diapers until food preparation duties have been completed for the day.

R9-5-506(A)(2)

COMMENT: Children younger than school age should be supervised while they are going to the bathroom. The rule should be modified for school-agers as compared to younger children. It is difficult to supervise the school age children to the bathroom.

RESPONSE: Each child who attends a facility is required to be supervised. Supervision means the staff member must be within sight and sound of each child. The rule is required to safeguard all children, but especially those who have to use a bathroom that is some distance from the licensed activity area.

R9-5-507(A)(1)

COMMENT: Components listed do not necessarily belong in a child's IEP. If information is located elsewhere such as a nurse's office, do not require duplication. Also, including information that is changed frequently would increase paperwork requirements because the IEP's addendums would need to be rewritten each time. Also, the team would need to meet and discuss each change.

RESPONSE: If any of the information is not provided, the child's health could be jeopardized. The information must be accessible at all times to ensure that care required for a child with special needs can be provided. Updated information is essential to prevent incorrect or improper care.

R9-5-507(A)(1)(b)

COMMENT: A nutrition plan must be included to set goals for the child.

RESPONSE: "Nutrition and feeding instructions" is broad enough to include such a plan.

R9-5-507(A)(2)

COMMENT: A physician should be part of the team developing an individualized plan.

COMMENT: Delete "health care provider" as part of the team developing an IEP. This is not a special education requirement and is considered too restrictive. The statute states that a person with knowledge about the child's disability attend a development meeting.

RESPONSE: The definition of "health care provider" includes physician. The Department believes the team should consist of facility staff members, the child's parent, and health care providers to ensure the development of the most comprehensive and effective plan.

COMMENT: The Department received 2 comments requesting that the time line for the development of an individualized plan should correspond with federal regulations that require 60 days.

RESPONSE: The plan described in the rule differs from the individual education plan required by the Department of Education (ADE). The ADE plan concentrates on education and educational goals while the Department's plan is concerned with the basic needs of a child. Thus, it is important to obtain the plan no less than 30 days after enrollment. The Department needs the information in the rule to protect the child's health and safety.

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R9-5-507(A)(4)

COMMENT: An individualized plan should be reviewed after 3 months and updated after 6 months for children from birth to 6 years of age.

RESPONSE: Requiring the plan to be updated as changes occur protects the health and safety of children.

R9-5-507(B)

COMMENT: A physician should be part of the decision making process.

RESPONSE: The determination to move the child is generally based upon the emotional and social development of a child not medical need. The parent or licensee is free to consult a physician to make this determination.

COMMENT: Reword to read: "A child with special needs shall be placed in an age appropriate grouping, with accommodations made to meet their developmental needs as determined by the parent and licensee."

RESPONSE: The rule as written is clear and does not place administrative barriers on the appropriate placement of a child. The recommended change does not provide standards.

R9-5-507(C)

COMMENT: Change as follows: "A licensee shall ensure that a staff member does not prepare formula for tube-feeding a child unless medically prescribed and developed in the nutrition plan by the health care team. All formula for tube-feeding shall be commercially prepackaged in a ready-to-use state or brought by a parent to the facility in an unbreakable container unless medically prescribed and developed in the nutrition plan by the health care team."

DES and contracted health plans are asking health care providers to actively transition children on tube-feedings to their best level of feeding skills. This will impact the child care providers who provide services to children with special needs.

RESPONSE: As written, the ramifications of improperly prepared formula for tube-feeding fall upon the parent, not the facility. The suggestion would create liability for the facility and risk the health and safety of the child.

COMMENT: There needs to be stronger restrictions and more specific rules regarding the tube feeding of children. A physician needs to be consulted.

RESPONSE: A parent or individual designated by a parent should provide the standards for the tube feeding a child. (Since every child is different, feeding requirements may differ from child to child.) The individualized plan required by subsection (A) would include any requirements for tube feeding. This plan is developed by a team that includes a health care provider.

R9-5-507(E)

COMMENT: Insert "who is being transported while" after "special needs".

RESPONSE: Adding "who is being transported while" does not clarify the rule.

R9-5-507(F)

COMMENT: The rule is too prohibitive. As long as a facility meets ADA standards for accessibility, the facility should be able to house children on any floor.

RESPONSE: Accessibility is only 1 of the criteria to consider for placement of children within a facility. A facility must also be able to quickly evacuate children in the event of a fire or other emergency. The rule reflects the Department's determination that to protect health and safety, children using wheelchairs or who are unable to walk must be located on a ground floor of the facility.

R9-5-508(A)

COMMENT: Replace the word "shall" with "may" or eliminate the entire section.

RESPONSE: The rule incorrectly states that the licensee is required to provide food. The rule will be changed to reflect those times when the licensee does provide food.

COMMENT: The rule needs to be individualized because each child is different.

RESPONSE: By definition, a rule is of general applicability. The Department cannot possibly anticipate every incidence of differences between children and promulgate a rule applicable to each individual child.

COMMENT: The requirements for food portions and service needs to have allowances to accommodate special needs children.

RESPONSE: Because special instructions for feeding are required in the individualized plan, they do not need to be added to this rule.

COMMENT: Require a licensee to prepare and serve food according to the "Dietary Guidelines for Americans" and the Table of Meal Pattern Requirements in the rules.

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RESPONSE: The "Dietary Guidelines for Americans" contain general recommendations that do not include specific requirements for foods or quantities. The Table of Meal Pattern Requirements is included in the rule and does contain requirements for specific foods and quantities.

COMMENT: The infant meal pattern should be included in the nutritional standards.

RESPONSE: The individual needs of an infant vary considerably. Setting standards for infants would be overly restrictive.

R9-5-508(D)

COMMENT: The Department should not require receipts for the food program because the Department of Education reviews the receipts. If required, food purchase logs, food receipts, and food records should be maintained at a central location for multiple centers or on the facility premises for individually owned businesses.

RESPONSE: The Department has determined that it can verify compliance with the food requirements through a facility inspection. Furthermore, the receipts are evidence of buying the food, not serving it.

R9-5-508(F)

COMMENT: Add a rule that requires a licensee to include health, nutrition, and safety education as part of child care activities and parent/family involvement.

RESPONSE: This is contained in R9-5-501(B)(6)(f).

R9-5-509(A)

COMMENT: The rule should be changed to "... the facility premises shall comply with A.A.C. R9-8-111 through R9-8-127...." A.A.C. R9-8-131 *et seq.* is for commercial food establishments that derive their income from food manufacturing or food services. Food service requirements could be based on the number of children and type of foods prepared and serviced. Smaller facilities could be required to comply with R9-8-111 through R9-8-127. In addition to those requirements, larger facilities could be required to comply with R9-8-131 through R9-8-137. The Department should inspect the food service portion at the facility as part of the licensing review and then there would not be any need for the facility to obtain a permit from the county health Department.

RESPONSE: The County, not the Department, determines the type of permit a food establishment must obtain. The rule is purposefully broad to accommodate non-commercial and commercial food establishments. Some facilities transport food from commercial food establishments which must conform to the rules contained in R9-8-131 through R9-8-137.

R9-5-509(H)(1)(b)

COMMENT: The rule makes a discriminatory assumption about children with special needs and suggest the rule be changed to read: "To reduce the transfer of bacteria, a washcloth shall be used only once for an infant or a child with special needs if indicated in the child's individualized plan".

RESPONSE: The Department agrees and will add "if indicated in the child's individualized plan" to R9-5-509(H)(1)(a).

R9-5-509(J)

COMMENT: The language "A licensee shall make the following meals available" forces a child care center to provide food service. This would significantly expand scope of services for some centers.

RESPONSE: Either a parent or licensee may provide the meals. A child must be fed regardless of whether the licensee or parent provides the meals.

COMMENT: A facility should not be required to provide a meal to a child who is present during the stated meal times if the child is present less than 4 hours and a snack is provided.

RESPONSE: A snack does not provide the nutritional value of a meal.

R9-5-509(L)

COMMENT: The rule is very broad and should be changed to require that special dietary instructions are supported by the child's medical service provider as specified in the individualized plan of a child with special needs.

RESPONSE: The rule is applicable to all children, including a child with special needs. Thus, dietary instructions for all children, including those with special needs, need to be posted as stated in the rule.

R9-5-509(M)

COMMENT: Because so much of the curriculum is involved with cooking, rules should be provided to allow for the safe usage of electrical appliances regulating what is appropriate for different ages of children.

RESPONSE: Safe usage of electrical appliances is based on such things as the type of appliance, age of children involved, supervision, and experience of staff. Since a licensee is charged with protecting the health and safety of children, it is within the licensee's discretion to determine how to safeguard the children. Setting forth these requirements in rule would unnecessarily

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restrict the licensee in this determination. Furthermore, the Department would not be able to foresee all of the possible cooking experience scenarios.

R9-5-514(A)

COMMENT: The Department received 2 comments requesting that Syrup of Ipecac be added to the list of first aid supplies.

RESPONSE: The items on the list are the minimum items required in a first aid kit. Emergency and poison control personnel that are available in metropolitan areas recommend that facility personnel in metropolitan areas call 9-1-1. Emergency and poison control personnel can quickly arrive at a child care facility and determine appropriate treatment rather than risk inappropriate use of Syrup of Ipecac. Because of the distances involved and indeterminate response times of emergency and poison control personnel for child care facilities in rural areas of the state, rural child care facilities may need to use Syrup of Ipecac in an emergency and so include Syrup of Ipecac in a first aid kit. Because not all facilities need to have Syrup of Ipecac in a first aid kit available for use in an emergency, the Department has determined that Syrup of Ipecac should not be included on the list of minimum items required in a first aid kit.

R9-5-515(A) and (B)

COMMENT: Add the following to provide guidance for facility staff: If a child exhibits signs of illness or infestation at a facility "such as fever, body rash accompanied by other signs and symptoms of illness, diarrhea, vomiting, lice, or personnel have reason to believe a child may have an infectious disease or infestation..."

COMMENT: Add the list of signs and symptoms that are indicators of illness or infestation.

RESPONSE: The Department has provided guidance by defining "illness" in R9-5-101(45) and "infestation" in R9-5-101(47). These definitions already contain a more descriptive and inclusive list of the physical manifestations of an illness or infestation than the suggestion because the Department does not want to limit the signs and symptoms to just the items contained in 1 list. Thus, it would be limiting and unnecessary to include the suggested list in this rule.

R9-5-515(E)

COMMENT: The Department received 3 comments requesting water play activity be added.

RESPONSE: The Department will delete subsection (E) because the rule is not clear, concise, and understandable and is not enforceable. Subsection (A) and (C) already requires a licensee to exclude a child or staff members showing signs of illness or infestation.

R9-5-516(A)

COMMENT: In the 1st sentence delete "whether" and add "when and under what circumstances". In the 2nd sentence delete "If" and add "When".

Changing the language makes it clear that a licensee may not prohibit enrollment based on a child's medication needs which is a violation of the American Disabilities Act.

RESPONSE: A licensee is not required by the Department to administer medications. This determination is within a licensee's discretion. A licensee does not violate the ADA if he or she chooses not to administer the medication.

COMMENT: There are contradictions between the proposed rules and the school district's physician requirements. School nurses have a standing order from a physician that allows the nurse to give tylenol and epinephrine in case of an emergency such as a raging fever, and the child's parent or someone on the emergency card cannot be reached.

RESPONSE: Distinctions between staff at a private facility and a school facility do not permit blanket permission for the administration of medications. While school facilities do have health care professionals, such as nurses, on staff who have the expertise and experience to determine when a child should be medicated, private facilities do not.

R9-5-516(A)(2)(d)(i)

COMMENT: Change to read "Dosage and route of administration".

RESPONSE: The Department agrees that this is a standard for medication administration.

R9-5-516(A)(3)

COMMENT: Add "Use a sanitary, accurate medication measuring device, appropriate to the medication route of administration and the developmental age of the child".

RESPONSE: The suggestion does not add objective criteria that the Department could enforce.

R9-5-517(A)(2)

COMMENT: Require that proof of current motor vehicle insurance coverage may be located in the central office location accessible to the Department. It is a waste of resources to require a duplicative copy in the facility.

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RESPONSE: Central offices are generally open from 8 a.m. to 5 p.m. Thus, if an inspection or investigation takes place outside of those hours, the proof of motor vehicle insurance coverage located in a central office location may not readily be available for inspection by the Department. Furthermore, the Department of Transportation, Motor Vehicle Division requires that proof of current motor vehicle insurance be carried in a motor vehicle at all times.

R9-5-517(A)(8)(b)

COMMENT: Strike the exemption for public school buses or strike the requirement for air conditioning in buses entirely. The best solution is to require working air conditioning for all child care vehicles.

RESPONSE: The Department does not have the jurisdiction to regulate public school buses. The Department does not monitor transportation to and from public schools. It does regulate other vehicles transporting children.

R9-5-517(A)(8)(c)(d)

COMMENT: The agency that governs school bus operations for public schools does not sanction requirements for water or 2 blankets. An interagency agreement needs to be developed or the Department should defer this subsection and all subsections that may impact public school transportation systems to the state agency in charge of such rules.

RESPONSE: The Department does not regulate school buses transporting children to and from school. The Department does regulate school buses that are used for field trips during a facility's hours of operation. These buses are within the Department's jurisdiction and only these buses when being used by the facility are required to conform to this rule.

R9-5-517(A)(11)

COMMENT: The Department received 3 comments stating that maintenance and service records should be allowed to be maintained in a central location if they are available upon request by the Department.

RESPONSE: The Department agrees and will revise the rule consistent with the comment.

R9-5-518

COMMENT: Children in kindergarten through 6th grade should not be required to wear 2 identifications on a field trip.

RESPONSE: To ensure the health and safety of a child, the child's name should not be visible to the general public. However, identification is necessary to provide information about who to contact in an emergency involving the child.

R9-5-601(C)

COMMENT: The rules do not allow a facility to be located in a manufactured or mobile home. Currently, the school district has facilities in modular units that have been reviewed and approved by the Department. Will the proposed rules restrict the modular units?

RESPONSE: The modular units are factory-built buildings as defined in A.R.S. § 41-2142(14) and are not considered to be manufactured or mobile homes.

R9-5-602(C)

COMMENT: Change as follows: "An applicant or licensee requiring a diaper changing area outside an infant room or activity area to allow privacy for diapering a child with special needs must provide for an area that allows for access and sanitation for the special needs child. If the addition of such a diaper changing area requires a change to the physical plant the licensee may submit a written request for an exemption."

The proposed rule appears to be administratively burdensome and may prevent a reasonable accommodation.

RESPONSE: The rule does not prevent reasonable accommodation. It does provide oversight of diaper changing areas to protect the health, safety, and well-being of special needs children.

R9-5-604

COMMENT: The Department should adopt and enforce the *Consumer Product Safety Commission's Handbook for Public Playground Safety* and employ trained, playground safety inspectors or recognized playground safety experts to regulate playgrounds.

RESPONSE: The Consumer Product Safety Commission (Commission) recognizes that many factors affect playground safety. As a result, the provisions contained in the *Handbook for Public Playground Safety* (Handbook) are presented as guidelines rather than mandatory rules. In fact, the Commission has stated it is not endorsing the guidelines as the sole method to minimize injuries associated with playground equipment. The purpose of the guidelines is to promote greater safety awareness among those who purchase, install, and maintain public safety equipment.

After assessing the guidelines for playgrounds contained in the Handbook, the Child Care Standards Review Committee recommended that the Department adopt the language contained in the final rule. One of the members of the Committee was a playground safety expert.

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The Department has reviewed the Handbook and determined that many of the recommendations contained within the Handbook are not enforceable. While the Handbook provides extensive information on playground safety, it does not establish minimal standards. In order to adopt the Handbook the Department would need to make many changes to the language. Additionally, a new Handbook is due to be published in October, 1997. Thus, the Department has determined not adopt the current Handbook. Because the Department is aware of the need to provide more specific standards for playground safety at child care facilities, the Department is currently assembling a child care advisory committee to review all pertinent issues including the revised Handbook, accident rates, costs, and safety inspectors. Based on the committee's recommendations, the Department will make changes to the rules that will protect the health and safety of children on playgrounds at child care facilities.

R9-5-604(B)(1)(c)

COMMENT: The Department received 5 comments suggesting that public schools be grandfathered to allow openings on existing fences and gates that do not exceed 4 inches. Most schools have installed fences with openings that do not exceed 4 inches.

RESPONSE: R9-5-604(C) allows a licensee operating a facility at a private or public school that only provides child care services to school age children to meet the fencing requirements of the private or public school. The rule will be amended to require a license to meet the fencing requirements at a private or public school for playgrounds only used by school age children. In addition, the Department has determined that fence openings that do not exceed 4 inches will protect the health and safety of children who are supervised by facility staff.

R9-5-604(D)(1)

COMMENT: There is a list of materials but no depth specified. And since a majority of facilities have fine sand, the American Academy of Pediatrics and American Public Health Association do recommend at least a 6-inch depth of sand.

RESPONSE: The rule provides no standards for the depth of the sand. As written, the rule is unenforceable. The Department is adding a 6-inch depth requirement. This is for clarification purposes only, and is not a substantial change.

R9-5-604(D)(2)

COMMENT: Use the guidelines in the *Consumer Product Safety Commission's Handbook for Public Playground Safety* to rewrite subsection (D)(2).

RESPONSE: The rule, as written, incorporates a 6-inch depth, allows the unitary material, and prohibits the use of concrete under materials in fall zones, guidelines that are contained in the *Consumer Product Safety Commission's Handbook for Public Playground Safety*. The child care advisory committee being assembled by the Department will review pertinent issues and recommend further rule revision.

R9-5-604(E)

COMMENT: The Department received 3 comments requesting clarification of the amount of shade required by the rule. One individual requested that the rule be rewritten to require "adequate shade to protect children and staff who are occupying the outdoor activity area."

RESPONSE: "Adequate" provides no guidance regarding the amount of shade necessary. The Department will rewrite as follows: "A licensee shall provide a shaded area for each child occupying an outdoor activity area at any time of day."

R9-5-605(B)(1)(f)

COMMENT: Allow a facility to use electrochemical ionization process to maintain a swimming pool's chemical levels.

RESPONSE: The rule does not state specific methods required to maintain the levels required in the rule. Thus a facility is allowed to use this method as long as the required levels are maintained.

R9-5-606

COMMENT: Add language that ensures staff knows how to locate and operate the fire extinguishers.

RESPONSE: Pursuant to R9-5-403, a licensee is required to provide training to employees that includes accident and emergency procedures. The training should include training on how to locate and operate fire extinguishers.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
None.

12. Incorporations by reference and their location in the rules:
None

13. Was the rule previously adopted as an emergency rule?
No

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14. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 5. DEPARTMENT OF HEALTH SERVICES
CHILD CARE FACILITIES**

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- R9-5-614. ~~General physical plant standards~~ Repealed

ARTICLE 1. DEFINITIONS

R9-5-101. Definitions

In this Chapter, unless the context otherwise requires:

1. "Abuse" means inflicting physical or mental pain or injury, causing deterioration of another person, or failing to maintain reasonable care and treatment of any dependent person to such an extent that the person's health or emotional well-being is endangered.
2. "Accompanied by a parent, guardian or custodian" means the parent, guardian or custodian must be physically available to supervise and care for the child in the event of an emergency.
3. "Activity area" means the space in, or rooms of, the day care group home used for child care activities.
4. "Annex" means any supplementary structure on contiguous grounds, under the same ownership and intended to be used in conjunction with an existing child care facility.
5. "Applicant" means any individual, partnership or corporation who applies to the Department to operate a day care group home.
6. "Assistant" means any person who aids the provider in the care and supervision of children.
7. "Assistant teacher-caregiver" means a person who assists the teacher-caregiver in planning, developing and conducting the activities of a child or group of children and who may receive on-the-job training and supervision to become a teacher-caregiver.
8. "Center director" means the licensee, or a person designated in writing by the licensee, who is responsible for the daily on-premise supervision, operation and maintenance of the center.
9. "Certificate" means the written authorization issued by the Department to operate a day care group home.
10. "Certified capacity" means the maximum number of children as designated on the certificate that the day care group home may care for at any one time.
11. "Child care facility" or "facility" means a child day care center or a day care group home.
12. "Child Development Associate credential (C.D.A.)" means a credential awarded by the Child Development Associate National Credentialing Program to individuals successfully completing an assessment of their ability to work effectively with children.
13. "Compensation" means any payment of money or other valuable consideration, including goods, services, time or employee/customer benefit, for child day care by any person, business entity or governmental agency.
14. "Corporal punishment" means shaking, spanking, punching, hitting, hitting with instruments, pinching, biting, pushing, slapping, twisting, jerking, kicking, pulling hair, strangling a child or other acts which causes bodily pain and may result in bruises, welts, abrasions, contusions, lacerations, burns, fractures, wounds, cuts, punctures, subdural hemorrhage or

- hematomas, internal injuries, sprains, dislocation, or other forms of physical damage.
15. "Day Care Act" means the Child Day Care Programs Act, A.R.S. § 36-881, et seq.
16. "Early childhood education degree" means a bachelor or associate degree from an accredited college with a major in child development in kindergarten, primary, preschool or elementary education.
17. "Field trip" means a planned excursion or program activity with a specific destination away from the facility.
18. "Hazard" means any condition that subjects children to physical danger or risk.
19. "Home Economics Related Occupations (H.E.R.O.) program" means a home economics child care related vocational cooperative education program approved by the Arizona Department of Education.
20. "Household member" means a person who does not provide child care but who is present in a day care group home for 30 consecutive days or longer, is listed as a member of the household on official documents, or who resides at the location of the day care group home.
21. "Immediate inspection" means available for review within two hours or less.
22. "Infant" means any child who is 12 months of age or younger, or who is under 18 months of age and not yet walking.
23. "Licensed capacity" means the maximum number of children, as designated on the license, that the facility may care for at any one time.
24. "Licensee" means the person, partnership, corporation or agency licensed by the Department to provide child day care services and having responsibility for the operation and maintenance of the child care facility in accordance with these rules.
25. "Medication" means all prescription and over-the-counter drugs and medicines.
26. "Menu" means a written description of foods to be served at each meal and all snacks prepared at the facility or catered, but excluding individual sack lunches brought from home.
27. "Mobile home" means a manufactured structure designed without a permanent foundation which was manufactured prior to 1976.
28. "Multiple use building" means a structure being used as a child care facility in addition to other activities.
29. "Nap time" means a designated time during a full child care program when provisions are made for children to rest or sleep.
30. "Night home care" means child care provided between 7:00 p.m. and 6:00 a.m. at a day care group home.
31. "Personnel" means all staff, including full or part time employees, and volunteers, who perform services for the child care facility and have direct or indirect contact with children at that facility.
32. "Provider" means an individual who is the certificate holder or an individual designated in writing by the certificate holder or an individual designated in writing by the certificate holder, who is responsible for the daily, on-premises supervision, operation and maintenance of the day care group home.
33. "Qualifying experience" means verifiable experience working directly with a group of children during a specified time period in any licensed child care facility, elementary education program, or in fields of nursing,

- social work, psychology or other fields related to child growth or development.
34. "Residential facility" means a home in which an individual lives that is designed on a permanent foundation and is not a mobile home manufactured prior to 1976.
 35. "Sanitary" means having been treated by a process that provides the appropriate accumulation of heat or concentration of chemicals for the time required to reduce the bacterial count, including pathogens, to a safe level.
 36. "School-age children" means children who are at least five years old by January 1 of the current school year and who attend public school or the equivalent.
 37. "Special needs children" means children enrolled in the child care facility who, due to any physical, mental, sensory or emotional delay, disability or limiting condition, need increased supervision, modified equipment or modifications to the physical plant.
 38. "Staff members" mean the provider or paid personnel who perform services for the child care facility and who have direct or indirect contact with the children.
 39. "Supervision" means direct and immediate observation and direction of personnel, a group of children, an activity or function.
 40. "Teacher-caregiver" means the person responsible for planning, developing and conducting the activities of a child or group of children and who may supervise assistant teacher-caregivers.
 41. "Volunteer" means an individual who supplements the services of paid staff by providing child care services under staff supervision in a child care facility without compensation.

R9-5-101. Definitions

In this Chapter, unless otherwise specified, the following terms mean:

1. "Abuse" means the infliction or allowing of physical injury, impairment of bodily function or disfigurement, or the infliction of or allowing another individual to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist as prescribed by A.R.S. § 8-223 and which is caused by the acts or omissions of an individual having care, custody and control of a child. Abuse includes the offenses stated in A.R.S. § 8-546(A)(2).
2. "Accident" means an unexpected occurrence that may or may not be an emergency that causes physical injury to a child and requires attention by a staff member.
3. "Accredited" means approved by the:
 - a. New England Association of Schools and Colleges.
 - b. Middle States Association of Colleges and Secondary Schools.
 - c. North Central Association of Colleges and Schools.
 - d. Northwest Association of Schools and Colleges.
 - e. Southern Association of Colleges and Schools, or
 - f. Western Association of Schools and Colleges.
4. "Activity" means an action planned by a licensee and performed by a child while supervised by a staff member.
5. "Activity area" means a specific indoor or outdoor space or room of a licensed facility that is designated by a licensee for use by enrolled children for activities.

6. "Adaptive device" means equipment used to augment an individual's use of arms, legs, sight, hearing, or other physical part or function.
7. "Age-appropriate" means consistent with a child's age and age-related stage of physical growth and mental development.
8. "Applicant" means:
 - a. The following persons requesting an initial or renewal license:
 - i. If an individual, the individual owning the facility;
 - ii. If a corporation, any 2 officers of the corporation;
 - iii. If an association or cooperative, any 2 members of the governing board of the association or cooperative;
 - iv. If a limited liability company, the designated manager, or if no manager is designated, any 2 members of the limited liability company;
 - v. If a partnership, any 2 of the partners;
 - vi. If a joint venture, any 2 individuals signing the joint venture agreement;
 - vii. If a public school, any individual designated in writing as signatory for the facility by the school governing board or school district superintendent;
 - viii. If a charter school, the person approved to operate a charter school in Arizona by the Arizona Board of Education, Arizona Board of Charter Schools, or a school governing board; or
 - ix. If a governmental agency, the director of the governmental agency or the individual designated in writing by the director; or
 - b. A licensee submitting a request for a modification to the physical plant of a licensed facility.
9. "Application" means the documents required by the Department for licensure or registration.
10. "Assistant teacher-caregiver" means a staff member who, for compensation, aids a teacher-caregiver in planning, developing, or conducting child care activities.
11. "Association or cooperative" means a group of individuals other than a corporation, limited liability company, partnership, joint venture, or public school who have established a governing board and bylaws to operate a facility.
12. "Calendar week" means a 7-day period beginning Sunday and ending on Saturday.
13. "C.C.P." means Certified Childcare Professional, a credential awarded by the National Child Care Association to individuals successfully completing a test of ability to work effectively with children.
14. "C.D.A." means Child Development Associate, a credential awarded by the Child Development Associate National Credentialing Program to individuals successfully completing a test of ability to work effectively with children.
15. "Change in ownership" means a transfer of controlling legal or controlling equitable interest and authority in a facility resulting from a sale or merger of a facility.
16. "Child" has the same meaning as in A.R.S. § 36-881(1).
17. "Child care" has the same meaning as in A.R.S. § 36-881(2).
18. "Child care experience" means written documentation of work with children in:

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- a. A child care facility or group home that is licensed, certified or approved by a state in the United States;
 - b. A public or private school, or an accommodation school as defined in A.R.S. § 15-101(1); or
 - c. The professional fields of nursing, social work, psychology, child development, or closely related field.
19. "Child care services" means the range of activities and programs provided by a licensee to a child, including personal care, supervision, education, guidance, and transportation.
20. "Child Protective Services" means the Child Protective Services Program, Arizona Department of Economic Security.
21. "Child with special needs" means a child with:
- a. A health care provider's diagnosis and record of a physical or mental condition that substantially limits the child in providing self-care or performing age-appropriate manual tasks or any other major life function such as walking, seeing, hearing, speaking, breathing, or learning;
 - b. A developmental disability as defined in A.R.S. § 36-551; or
 - c. At least 1 of the developmental disabilities listed in A.R.S. § 15-761 and who requires special education as defined in A.R.S. § 15-761.
22. "Clean" means to remove dirt or debris by such methods as washing with soap and water, vacuuming, wiping, dusting, or sweeping.
23. "Closely related field" means any educational instruction or occupational experience pertaining to the growth, development, physical or mental care, or education of children.
24. "Communicable disease" has the same meaning as in A.A.C. R9-6-101(5).
25. "Compensation" means money or other consideration, including goods, services, vouchers, time, or other benefit, that is received by a licensee from any individual as payment for child care services or that is paid to a staff member by a licensee.
26. "Corporal punishment" means any physical action that inflicts pain to the body of a child, including but not limited to: shaking, spanking, punching, hitting, pinching, biting, pushing, slapping, twisting, jerking, kicking, pulling hair or strangling a child; or any act which may result in an abrasion, bruise, welt, contusion, laceration, burn, wound, cut, puncture, internal injury, fracture, sprain or dislocation, or a subdural hemorrhage or hematoma.
27. "C.P.C." means Certified Professional in Childcare, a credential awarded by the National Early Care and Education Association to individuals successfully completing a test of ability to work effectively with children.
28. "CPR" means cardiopulmonary resuscitation.
29. "Credit hour" means an earned academic unit of study based on attending a 1-hour class session per calendar week at an accredited college or university.
30. "Days" means calendar days.
31. "Developmentally appropriate" means consistent with a child's physical, emotional, social, cultural, and cognitive development, based on the child's age and family background and the individual child's pattern and timing of growth, personality, and learning style.
32. "Discipline" means to provide correction of a child's behavior that does not meet generally accepted levels of social behavior.
33. "Emergency" means a potentially life-threatening occurrence involving a child or staff member that requires an immediate response or medical treatment.
34. "Endanger" means to expose a child to a situation where physical or mental injury to the child may occur.
35. "Enrolled" means a child has been placed by a parent and accepted by a licensee for child care services.
36. "Facility" means child care facility as defined in A.R.S. § 36-881(3).
37. "Facility director" means an individual meeting the qualifications in R9-5-401(1) who is designated by a licensee as the individual responsible for the daily on-site operation of a facility.
38. "Facility premises" means property that is:
- a. Designated on an application for a license by the applicant, and
 - b. Licensed for child care services by the Department as under A.R.S. § 36-881 et seq. and these rules.
39. "Field trip" means an activity planned by child care personnel for:
- a. Preschool children off facility premises, or
 - b. School-age children off facility premises or school campus.
40. "Final construction drawings" means facility plans approved by local government for the construction or modification of a facility that include the architectural, structural, mechanical, electrical, fire protection, plumbing, and technical specifications of the physical plant and the facility premises.
41. "Food preparation" or "preparing food" means handling, washing, cutting, mixing, spreading, combining ingredients, and cooking foods using a utensil as defined in A.A.C. R9-8-112(35) but does not include:
- a. Using single-service articles as defined in A.A.C. R9-8-112(30).
 - b. Handling or distributing whole fruits or vegetables.
 - c. Distributing prepackaged foods, or
 - d. Combining whole uncooked foods.
42. "Guidance" means the ongoing direction, counseling, teaching, or modeling of accepted social behavior through which a child learns to develop and maintain the self-control, self reliance, and self esteem necessary to assume responsibilities, make daily living decisions, and live according to generally accepted social behavior.
43. "Hazard" means a source of endangerment.
44. "Health care provider" means a state board licensed, registered or certified physician, physician's assistant, nurse, nurse practitioner, psychologist, or occupational, physical or respiratory therapist.
45. "High school equivalency diploma" means the document issued by the Arizona Department of Education under A.R.S. § 15-702 or by another state, to an individual who passes a general educational development test.
46. "Hours of operation" means the specific time during a day for which a licensee is licensed to provide child care services.
47. "Illness" means physical manifestation or signs of any sickness or communicable disease such as pain, vomiting, rash, fever, discharge, or diarrhea.
48. "Infant" means a child 12 months of age or younger or a child 18 months of age or younger who is not yet walking.

49. "Infestation" means the presence of lice, pinworms, scabies, or other parasites.
50. "Inspection" means on-site examination of a facility by the Department to determine compliance with A.R.S. § 36-881 *et seq.* and these rules, an on-site review of facility records or reports by the Department or on-site examination of a facility by local jurisdictions.
51. "Lesson plan" means a written description of the activities scheduled in each activity area for a day.
52. "License" means the written authorization issued by the Department to operate a facility in Arizona.
53. "Licensed capacity" means the maximum number of children for whom a licensee is licensed by the Department to provide child care services.
54. "Licensee" means a person as defined by A.R.S. § 36-881(6) to whom the Department issues a license to operate a facility in Arizona.
55. "Local" means under the jurisdiction of a city or county in Arizona.
56. "Mat" means a foam pad that has a waterproof cover and is of sufficient size and thickness to accommodate the height, width, and weight of a reclining child's body.
57. "Medication" means a substance prescribed by a physician or available over-the-counter for the treatment of illness.
58. "Menu" means a written description of food provided by a facility and served as a meal or snack.
59. "Modification" means an alteration or addition to the physical plant of a licensed facility that requires a permit issued by local government.
60. "Motor vehicle" has the same meaning as defined in A.R.S. § 28-101(28).
61. "N.A.C." means the National Administrator Credential, an award issued by the National Child Care Association to an individual successfully completing a test of ability to work effectively with children as a director of a child care facility.
62. "Naptime" means any time during hours of operation, other than evening and nighttime hours specified in R9-5-205, that is designated by a licensee for the rest or sleep of children.
63. "Neglect" has the same meaning as in A.R.S. § 8-546(A)(7).
64. "One-year-old" means a child 12 months of age or older who is not yet 2 years of age.
65. "Parent" means a natural, adoptive, or custodial mother or father of a child, or an individual who has been appointed as a legal guardian or custodian of a child by a court of competent jurisdiction.
66. "Perishable food" means food which becomes unfit for human consumption if not stored to prevent spoilage.
67. "Physical plant" means a building that houses a facility, or licensed areas within a building, including the architectural, structural, mechanical, electrical, plumbing, and fire protection elements of the building.
68. "Physician" means a doctor currently licensed to practice allopathic or osteopathic medicine in any state of the United States.
69. "Private pool" has the same meaning as in A.A.C. R9-8-811(J).
70. "Private school" has the same meaning as in A.R.S. § 15-101(16).
71. "Program" means a variety of activities organized and conducted by a staff member.
72. "Public pool" has the same meaning as in A.A.C. R9-8-811(K).
73. "Public school" means school as defined in A.R.S. § 15-101(3) and (17).
74. "Registration" means approval by the Department to operate or work in a child care facility after an individual's completion of the fingerprinting process required by the Department.
75. "Regular basis" means child care services are offered at a facility at recurring, fixed, or uniform intervals.
76. "Resident" means an individual who does not provide child care but who is present in a facility for more than 30 consecutive days.
77. "Sanitize" means to use heat, chemical agents, or germicidal solutions to disinfect and reduce pathogen counts, including bacteria, viruses, mold, and fungi.
78. "School-age child" means a child who is 5 years of age or older before beginning the current school year in a public or private school.
79. "School campus" means the contiguous grounds of a public or private school including the buildings, structures and outdoor areas available for use by children attending the school.
80. "School governing board" means governing board as defined in A.R.S. § 15-101(8).
81. "Semi-public pool" has the same meaning as in A.A.C. R9-8-811(N).
82. "Service classification" means 1 of the classifications specified in R9-5-205.
83. "Signed" means having affixed an individual's name consistent with customary usage on an official document or a symbol of the name if the individual is unable to write.
84. "Space utilization" means the designated use of an area within a facility for specific child care services or activities.
85. "Staff", or "staff member", or "child care personnel" means any employee or volunteer working at a child care facility.
86. "STRIVE" means Students Together Rising in Vocational Education, a vocational organization authorized by the Arizona Department of Education under A.R.S. § 15-781.01.
87. "Student-aide" means an individual 15 years of age or younger enrolled in an educational, curriculum-based course of study who, without being compensated by a licensee, is present at a facility to receive instruction from and supervision by child care personnel in the provision of child care services.
88. "Substantive review" means the Department's process for determining whether an applicant for a license and an applicant's facility meet the requirements of A.R.S. § 36-881 *et seq.* and these rules, including an evaluation of the completed documents submitted as prescribed by R9-5-201 and R9-5-203(A) and inspection of the facility.
89. "Supervision" means:
 - a. The physical presence of a facility director or staff member who has responsibility for and is within sight and sound of an enrolled child, or
 - b. The physical presence of a facility director or teacher-caregiver who is providing direction to a staff member or student-aide.
90. "Swimming pool" has the same meaning as in A.A.C. R9-8-811(P).

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- 91. "Teacher-caregiver" means a staff member responsible for developing, planning, and conducting child care activities.
- 92. "Training" means child care-related conferences, seminars, lectures, workshops, classes, courses, or instruction required by the Department of a licensee or child care personnel.
- 93. "Volunteer" means a staff member who works in a facility without compensation by the facility.

ARTICLE 2. CENTER FACILITY LICENSURE

R9-5-201. Classification of child day care center services

A child day care center shall be licensed to provide one or more of the following classifications of service:

- 1. Full day care: care provided to children for more than four hours per day, between the hours of 6:00 a.m. and 6:30 p.m.
- 2. Part time care: care provided to children for no more than four hours per day, between the hours of 6:00 a.m. and 6:30 p.m.
- 3. Evening care: care provided to children between the hours of 6:30 p.m. and 12:00 midnight.
- 4. Nighttime care: care provided to children between the hours of 12:00 midnight and 6:00 a.m.
- 5. Infant care: care provided to infants as defined in these rules.
- 6. One-year-old child care: care provided to one-year-old children as defined in these rules.
- 7. School-age child care: care provided to school-age children during periods of a day when public, private or parochial schools are not in session.
- 8. Special children care: care provided to special children as defined in these rules.

R9-5-201. Application for a License

A. An applicant for a license shall:

- 1. Be 18 years of age or older;
- 2. Submit the following completed documents to the Department:
 - a. A notarized application signed by the applicant stating:
 - i. The applicant's name;
 - ii. The facility's name, street address, mailing address, and telephone number; and
 - iii. The name and type of organization applying for a license;
 - b. Organization information including:
 - i. Address of organization;
 - ii. Name, title, and address of the organization's statutory agent or individual designated by the organization to accept service of process and subpoenas;
 - iii. Name and title of each officer and board member, if applicable; and
 - iv. Copies of Articles of Incorporation, partnership or joint venture documents, or limited liability documents, if applicable;
 - c. Registration documents as prescribed in R9-5-203;
 - d. The physical plant documents required by R9-5-607 that include the service classifications being requested by the applicant;
 - e. An agricultural attachment that contains the information required by A.R.S. § 36-882 (B); and
 - f. The fee required by A.R.S. § 36-882 (F);
- 3. Before the issuance of a license, submit written documentation verifying that the applicant or a registered

individual designated by the applicant has completed not less than 4 actual hours of Department-provided training that includes the Department's role in licensing and regulating child care facilities under A.R.S. § 36-881 *et seq.* and these rules; and

- 4. Demonstrate compliance with A.R.S. § 36-881 *et seq.* and these rules through a facility inspection by the Department.

B. A person shall apply for a license as prescribed by this section for:

- 1. Each facility operated by the same person at different locations, and
- 2. Each facility operated by different persons at the same location.

C. The Department does not require an application for a supplementary structure on grounds contiguous to a facility, under the same ownership, and intended to be used in conjunction with a facility.

R9-5-202. License application

- A. A license application shall be submitted on forms provided by the Department, and shall be fully completed, signed and notarized.
- B. The applicant, or the representative authorized by the applicant to apply for licensure, shall be at least 18 years of age.
- C. A separate license application is required for each location when more than one center is owned by the same person, and for each center operated at a single location by different persons.
- D. A separate license application is not required for annexes on the same grounds used by the center.

R9-5-202. Initial License Application Time-Frames

- A. For an initial license, the overall time frame described in A.R.S. § 41-1072 (2) is 90 days.
- B. For an initial license, the administrative completeness review time frame described in A.R.S. § 41-1072 (1) is 30 days and begins on the date the Department receives an application.

- 1. If any of the application documents is missing or if information on the submitted documents is deficient, the Department shall send to the applicant, by certified mail with return receipt, a written notice that states each deficiency and information and document needed to complete the application. The 30 day time frame for the Department to finish the administrative completeness review is suspended from the date the Department mails the deficiency notice to the applicant until the date the Department receives the deficient information or missing document.
- 2. If all of the documents are submitted and the information on the documents is complete, the Department shall send a written notice of administrative completeness to the applicant.
- 3. If the documents or information are not submitted within 180 days from the date of notice of incompleteness, the Department shall consider the application withdrawn.

C. For an initial license, the substantive review time-frame described in A.R.S. § 41-1072(3) is 60 days and begins on the date the Department sends written notice of administrative completeness to the applicant.

- 1. As part of the substantive review, the Department may schedule an inspection which may require more than 1 visit to the facility.
- 2. If an applicant or facility does not meet the requirements of A.R.S. § 36-881 *et seq.* and these rules, the Department shall provide to the applicant a written notice of

nonconformance that states each statute and rule upon which nonconformance is based.

- a. Within 120 days from the date of receipt of a written notice of nonconformance the applicant shall submit to the Department written documentation of the corrections required in the notice of nonconformance. The 60 day time-frame for the Department to finish the substantive review is suspended from the date the Department provides the written notice of nonconformance to the applicant until the Department receives documentation of corrections.
- b. The Department shall issue a written notice of denial of license as prescribed in A.R.S. §§ 36-888 and 41-1076, if:
 - i. The applicant does not submit documentation of corrections within the time-frame in subsection (C)(2)(a); or
 - ii. Upon receipt of documentation of corrections from the applicant, the Department determines that the applicant or facility do not meet the requirements of A.R.S. § 36-881 et seq. and these rules.
3. If the applicant and facility meet the requirements of A.R.S. § 36-881 et seq. and these rules, the Department shall issue a license to the applicant.
- D. If a time-frame's last day falls on a Saturday, Sunday, or a legal holiday, the next business day will be considered the time-frame's last day.

R9-5-203. License exemption

To be exempted from Department licensure as a child-day care center, a kindergarten shall not enroll children younger than "school-age children" as defined in R9-5-101, during the current school year.

R9-5-203. Registration and Fingerprinting Requirements

- A. An applicant for a license shall apply for registration with the Department by submitting:
 1. Unless exempted by A.R.S. § 36-883.02, a completed and legible fingerprint card;
 2. A registration to work form, provided by the Department, completed and signed by the applicant, and notarized that contains:
 - a. The applicant's name, birth date, social security number, home address, telephone number, and job title;
 - b. If previously registered with the Department, the date of previous registration and name used for registration;
 - c. The facility name, address, telephone number;
 - d. An identification of whether the applicant is awaiting trial on, has been convicted of, or has admitted in open court or as prescribed by a plea agreement committing any criminal offense described in A.R.S. § 36-883.02(G);
 - e. Certification that the applicant is not a parent of a child who has been adjudicated dependent as prescribed by A.R.S. § 8-201(11); and
 - f. Certification that the applicant has not had a license to operate a facility denied or revoked in any state; and
 3. A registration recap form provided by the Department, completed by the applicant for licensure or licensee, which contains the:
 - a. Name, address, and telephone number of the facility;
 - b. Name of facility director; and

c. Name of each individual applying for registration.

- B. Within 20 days from the date of employment or volunteer service of each staff member, a licensee shall submit the information in subsection (A) for each staff member who is 18 years of age or older.
- C. Within 30 days of receipt of an application for registration, the Department shall return to the applicant or licensee a copy of the registration recap form with verification of the Department's receipt. The individuals listed on the verified registration recap form are registered with the Department to work in the child care facility listed on the recap form until the Department denies or revokes the registration.
- D. A registered licensee or staff member who has had an uninterrupted association with or continuous employment in a licensed facility which changes ownership, shall submit the documents in subsections (A)(2) and (A)(3) to the Department within 20 days from the date of ownership change.

R9-5-204. Issuance of license

- A. In addition to the requirements in A.R.S. § 36-882(F), the license shall specify:
 1. The name of the child-day care center; and
 2. The expiration date of the license.
- B. The license form shall include the address and telephone number of the Arizona Department of Health Services, Office of Child Day Care Licensure. The license shall be prominently posted in the center for viewing.

R9-5-204. Denial, Revocation, or Reconsideration of Registration

- A. The Department shall deny or revoke the registration of an individual:
 1. Who is awaiting trial on, has been convicted of, or has admitted in open court or as prescribed by a plea agreement committing any criminal offense listed in A.R.S. § 36-883.02(G) except as provided in A.R.S. § 36-883.02(L); or
 2. Whose presence in a facility may have a detrimental effect on the health, safety, or welfare of children based on evidence obtained from:
 - a. A law enforcement agency;
 - b. Any criminal, civil, or official proceeding of record;
 - c. A written psychological evaluation or professional opinion of:
 - i. A physician licensed by a state board of medical examiners;
 - ii. A psychologist licensed by a state board of psychologist examiners;
 - iii. A behavioral health professional certified by the Arizona board of behavioral health examiners or the equivalent agency from another state; or
 - iv. A social worker, therapist, or counselor certified or licensed by a state board or by a professional accrediting organization or agency for these professions; or
 - d. Child Protective Services.
- B. If the Department has determined an individual may have a detrimental effect on the health, safety, or welfare of children or an individual has committed 1 of the offenses listed in A.R.S. § 36-883.02(G), not subject to A.R.S. § 36-883.02(L), the Department shall send a written notice of denial or revocation of registration to the:
 1. Individual, by certified mail with return receipt, that states:

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- a. The reason for the denial or revocation of registration, and
 - b. The individual's right to a hearing by the Department if requested in writing within 30 days from the receipt of the Department's notice.
 2. Licensee or applicant for licensure within 5 days of the individual's receipt of the notice required in subsection (B)(1).
- C.** If an individual has committed 1 of the offenses in A.R.S. § 36-883.02(L), the Department shall determine whether the individual is a recidivist. An individual is not a recidivist if the individual meets the following requirements:
1. If the offense was a felony, 5 years or more have passed between the conviction of the offense and the date the individual submitted a complete application for registration and the individual is not awaiting trial on, has not been convicted of, or has not admitted in open court or as prescribed by a plea agreement, committing any felony within the last 5 years or any misdemeanor within the last 2 years; or
 2. If the offense was a misdemeanor, 2 years or more have passed between the conviction of the offense and the date the individual submitted a complete application for registration and the individual is not awaiting trial on, has not been convicted of, or has not admitted in open court or as prescribed by a plea agreement, committing any felony within the last 5 years or any misdemeanor within the last 2 years.
- D.** If an individual does not meet the requirements of subsection (C), the Department shall send a written notice of denial or revocation to the:
1. Individual, by certified mail with return receipt, that states:
 - a. The reason for the denial or revocation of registration, and
 - b. The individual's right to a hearing by the Department if requested in writing within 30 days from the receipt of the Department's notice.
 2. Licensee or applicant for licensure within 5 days of the individual's receipt of the notice required in subsection (B)(1).
- E.** If an individual meets the requirements of subsection (C), the Department shall send to the individual, by certified mail with return receipt, a written notice of intent to deny the registration. The notice shall state:
1. The criminal offense that was disclosed by the fingerprint check; and
 2. The Department's process for reconsideration of the registration denial.
- F.** Within 30 days from the date of receipt of a notice of intent to deny a registration, an individual may submit a request for reconsideration to the Department that contains the individual's name, address, and telephone number and written documentation that demonstrates the individual is rehabilitated including:
1. Employment history of at least 6 months of continuous employment, with no more than 7 consecutive days break in employment within 2 years before the date of receipt of a completed application, including the name, address, and telephone number of each employer or educational history that shows the completion of at least 2 consecutive semesters at a post secondary education institution within 2 years before the date of receipt of a completed application, including the dates of enrollment and completion of course work;
 2. Two written references from individuals, 18 years of age or older and not related by blood or marriage to the individual, who have known the individual for at least 6 months before the date of receipt of a completed application;
 3. An explanation of why the individual believes the individual has been rehabilitated;
 4. Any other documentation which the individual believes supports the individual's claim of being rehabilitated; and
 5. A copy of any court record, such as conviction notice, plea bargain agreement, presentence investigation, minute entry, probation termination or completion document, or any expungement or pardon record that pertains to each crime for which the individual has been convicted. If the individual is unable to provide court documents for each conviction, the individual shall provide written documentation from the court having jurisdiction stating the reason the records are unavailable.
- G.** Within 30 days from the date of receipt of the written documentation required by subsection (F), the Department shall determine whether the individual meets the requirements in subsection (F). If the individual meets the requirements, the Department shall send a written notice of registration to the individual. If the individual does not meet the requirements, the Department shall deny the registration following the requirements in subsection (B).
- H.** If an individual does not request a reconsideration within 30 days from the date of receipt of the notice of intent to deny, the Department shall, by certified mail with return receipt, issue a notice of denial containing the information in subsection (B).
- I.** An individual who has been denied registration as prescribed in subsection (G) or (H) shall not submit an application for registration until 12 months has elapsed from the date of the notice of registration denial. The Department shall return an application for registration to an individual who has been denied registration as prescribed in subsection (G) or (H) if the application is submitted less than 12 months from the date of the notice of registration denial.
- R9-5-205. Center-orientation**
The initial applicant shall complete the Department's orientation for new owners and directors of child day care centers within four months from the submission date of a licensure application.
- R9-5-205. Child Care Services Classifications**
- A.** When conducting a substantive review, the Department shall determine whether the licensee meets the licensure requirements of A.R.S. § 36-881 et seq. and these rules to provide child care services on a regular basis in 1 or more of the following classifications.
1. Full-day care: Child care services provided for 6 or more hours per day between the hours of 5 a.m. and 8 p.m.
 2. Part-day care: Child care services provided for less than 6 hours per day between the hours of 5 a.m. and 8 p.m.
 3. Evening and nighttime care: Child care services provided between the hours of 8 p.m. and 5 a.m.
 4. Infant care: Child care services provided to an infant as defined in R9-5-101(48).
 5. One-year-old child care: Child care services provided to a 1-year-old child as defined in R9-5-101(64).
 6. School-age child care: Child care services provided to a school-age child as defined in R9-5-101(78).

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- B.** The Department shall designate, on a facility's license, the classifications of child care services the facility is licensed to provide.

R9-5-206. Changes in license status

- A.** The licensee shall notify the Department in writing at least 30 days prior to the effective date of any intended change in the center's name or in service classifications, hours of operation, space utilization or licensed capacity and, if in compliance with applicable statutes and these rules, the Department shall issue an amended license which indicates the change but maintains the same expiration date as the previous license.
1. The center shall not implement such change until the amended license is issued.
 2. Upon receiving the amended license the center shall surrender the previous license to the Department.
- B.** The licensee shall notify the Department in writing at least 30 days prior to the effective date of any change of ownership or location of the center and, if in compliance with applicable statutes and these rules, the Department shall issue a new license.

R9-5-206. License Renewal

- A.** At least 45 days before the expiration date of a current license, an applicant for renewal of a license shall submit to the Department:
1. A complete, signed, and notarized application that includes:
 - a. The applicant's name;
 - b. The facility's name, street address, mailing address, and telephone number; and
 - c. The name and type of organization applying for license renewal;
 2. Any changes to the organization information previously submitted as prescribed in R9-5-201(A)(2)(b); and
 2. The fee required by A.R.S. § 36-882(F).
- B.** For a renewal license, the overall time-frame described in A.R.S. § 41-1072(2) is 45 days.
- C.** For a renewal license, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) is 15 days and begins on the date the Department receives the renewal application.
1. If the submitted documents are deficient, the Department shall send to the applicant, by certified mail with return receipt, the submitted documents and a deficiency notice.
 - a. The notice shall:
 - i. State each deficiency and the information needed to complete the documents; and
 - ii. Advise the applicant that an additional \$50 late filing fee is due if a complete renewal application is not received by the Department at least 45 days before the expiration date of the current license.
 - b. The 15 day time-frame for the Department to finish the administrative completeness review is suspended from the date the Department mails the deficiency notice to the applicant until the date the Department receives the information.
 - c. If an applicant does not submit a complete renewal application before the expiration date of the current license, the license shall expire.
 2. If the submitted documents are complete:
 - a. The Department shall send a written notice of administrative completeness to the applicant; and

- b. The current license shall not expire until the Department issues the renewal license or written notice of denial.

- D.** For a renewal license, the substantive review time-frame described in A.R.S. § 41-1072(3) is 30 days and begins on the date the Department sends written notice of administrative completeness to the applicant.

1. If an applicant or facility does not meet the requirements of A.R.S. § 36-881 et seq. and these rules, the Department shall provide to the applicant a written notice of nonconformance that states each statute and rule upon which nonconformance is based.
 - a. Within 10 days from the date of receipt of a written notice of nonconformance the applicant shall submit to the Department, written documentation of the corrections required in the notice of nonconformance. The 30 day time-frame for the Department to finish the substantive review is suspended from the date the Department provides the written notice of nonconformance to the applicant until the Department receives documentation of corrections.
 - b. The Department shall issue a written notice of denial of license as prescribed in A.R.S. §§ 36-888 and 41-1076, if:
 - i. The applicant does not submit documentation of corrections within the time-frame in subsection (D)(1)(a); or
 - ii. Upon receipt of documentation of corrections from the applicant, the Department determines that the applicant or facility do not meet the requirements of A.R.S. § 36-881 et seq. and these rules.
2. If the applicant and facility meet the requirements of A.R.S. § 36-881 et seq. and these rules, the Department shall issue a license to the applicant.

R9-5-207. Provisional license

- A.** The Department may issue a provisional license pursuant to A.R.S. § 36-882(C) if a center is found to be not in total compliance with these rules. The center shall submit a written plan to the Department for approval which describes the licensee's plan for correcting deficiencies and the proposed date by which corrective action shall be completed.
- B.** In order for the center to satisfactorily complete the provisional period, surveys conducted by the Department must show:
1. That all deficiencies cited in previous Department surveys of the center have been corrected; and
 2. That the center is in complete compliance with applicable statutes and these rules.

R9-5-207. Changes Affecting License

- A.** A licensee shall notify the Department in writing at least 30 days before the date of a change in a facility's name. Within 30 days from the date of receipt of the notice, the Department shall issue an amended license that incorporates the change but retains the expiration date of the current license.
- B.** A licensee shall submit a written request to the Department at least 30 days before the date of an intended change in service classification, space utilization, or licensed capacity, that includes the type of change and a narrative description of the intended change.
1. Within 30 days from the date of receipt of the request, the Department shall review the requested change and send written notice of the review to the licensee. If the intended change:

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- a. Complies with A.R.S. § 36-881 et seq. and these rules, the Department shall send the licensee an amended license that incorporates the change but retains the expiration date of the current license; or
 - b. Does not comply with A.R.S. § 36-881 et seq. and these rules, the Department shall provide the licensee with written notice stating the requirements necessary for the Department to approve the requested change.
2. A licensee shall not implement any change until an amended license is issued.
- C. A licensee shall notify the Department, in writing, 30 days before making a change in the ownership of a facility. A new owner shall obtain a license from the Department before beginning operation of the facility.
- D. A licensee changing a facility's location shall apply for a new license as prescribed by R9-5-201. If the licensee has completed the training required in R9-5-201(A)(3), the licensee is not required to repeat the training.
- E. A licensee that is a corporation or limited liability company shall notify the Department in writing within 30 days after the date of a change in any corporate or company officer or statutory agent.
- F. A licensee that is a partnership or a joint venture shall notify the Department in writing within 30 days after the date of a change in members of the partnership or joint venture, or of an individual designated in writing by the licensee to accept service of process and subpoenas.
- G. A licensee that is an association or cooperative, school governing board, or charter school shall notify the Department in writing within 30 days after the date of a change in the officers of the association, cooperative, school governing board, or charter school, or of the statutory agent or other individual designated in writing by the licensee to accept service of process and subpoenas.

R9-5-208. Denial, revocation or suspension of license

- A. A license may be denied, revoked or suspended for any of the following reasons:
- 1. The Department has determined that the center has used fraud or deceit in applying for or obtaining a license.
 - 2. The Department has refused to register the applicant or center personnel pursuant to R9-5-210.
 - 3. The Department has determined that the center has personnel:
 - a. Who are addicted to drugs or alcohol or whose performance is affected by the use of drugs or alcohol; or
 - b. Who have engaged in physical, emotional or sexual abuse; or
 - c. Who use unacceptable disciplinary methods, as defined in R9-5-518(B).
 - 4. Failure to comply with the provisions of the Day Care Act or these rules.
 - 5. Significant deficiencies noted in nighttime or weekend care shall result in Department revocation of licensure for these services.
- B. Each license is the property of the State of Arizona and said certificate shall be returned to the Department immediately upon suspension, revocation or termination of the license.

R9-5-208. Inspections; Investigations

- A. The Department shall inspect each facility before issuing an initial license or a renewal license, and as often as necessary to determine compliance with A.R.S. § 36-881 et seq. and these rules. Additionally, a licensee shall allow access to all

areas of the facility affecting the health, safety, or welfare of a child or to which a child has access during hours of operation.

- B. If the Department receives written or verbal information alleging a violation of A.R.S. § 36-881 et seq. or these rules, the Department shall conduct an investigation to verify compliance. The licensee shall permit the Department to interview child care personnel and enrolled children for the investigation.

R9-5-209. Renewal of license

Each application for license renewal shall be submitted on Department forms at least 60 days prior to the expiration of the current license.

R9-5-209. Denial, Revocation, or Suspension of License

- A. The Department may deny, revoke, or suspend a license to operate a facility if an applicant or licensee:
- 1. Provides false or misleading information to the Department;
 - 2. Has been denied a certificate to operate a child care home or a license to operate a facility in any state, unless the denial was based on the applicant's failure to complete the licensing process in accordance with a required time-frame;
 - 3. Has had a certificate or license to operate a child care home or facility revoked or suspended in any state;
 - 4. Has had registration to operate or work in a child care facility in the state of Arizona revoked or denied; or
 - 5. Fails to comply with any provision contained in A.R.S. § 36-881 et seq. or these rules.
- B. In determining whether to deny, suspend, or revoke a license, the Department shall consider the threat to the health and safety of children in a facility based on such factors as:
- 1. Repeated violations of statutes or rules,
 - 2. Pattern of non-compliance,
 - 3. Type of violation,
 - 4. Severity of violation, and
 - 5. Number of violations.

R9-5-210. Registration of child day care center personnel

- A. Documentation shall be maintained at the center which verifies center compliance with A.R.S. § 13-3716 and personnel requirements in A.R.S. § 36-883.02.
- B. The Department shall not register any person to work in a child day care center who is awaiting trial on, has been convicted of, or admitted committing any criminal offenses listed in A.R.S. § 36-883.02.
- C. The Department shall refuse to register a person to work in a child day care center who is awaiting trial, has been convicted of, or has admitted committing a felony or misdemeanor if the Department determines there is a reasonable basis to conclude that the potential registrant's presence in the center may have a detrimental effect on the children.
- D. Persons who otherwise meet the personnel qualifications but who have been convicted of driving under the influence of alcohol or drugs within the past three years, shall be issued a limited registration which restricts the person from driving any vehicle used to transport a child to or from the center at any time. Such a person may apply for full registration after a period of three years from the last conviction.

R9-5-211. Assessment of civil penalty

The Department may impose a civil penalty pursuant to A.R.S. § 36-891, not to exceed \$50.00 for the first offense and \$100.00 for subsequent offenses for any of the following:

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1. Failure to provide required staffing or supervision for children;
2. Releasing a child from the center without authorization;
3. Placing a child in a life-threatening situation;
4. Failure to comply with cleaning, sanitation and safety requirements of these rules;
5. Failure to comply with nutritional requirements of these rules;
6. Use of inappropriate disciplinary methods included in R9-5-518(B);
7. Failure to correct deficiencies noted by the Department within established timelines determined by the Department in conjunction with the child day care center.

ARTICLE 3. CENTER FACILITY ADMINISTRATION

R9-5-301. Center responsibility

A. In addition to requirements of A.R.S. § 36-883.01, the center shall provide parents with a written statement of services upon the child's admission to the center or upon change in services which includes at least the following:

1. Services offered to children;
2. Hours of operation;
3. Admission requirements and enrollment procedures;
4. Policies regarding payment of fees;
5. Discipline policies;
6. Provisions for individual needs of special children;
7. Transportation services;
8. Procedure for field trips;
9. Responsibilities and expected involvement of parents in center activities;
10. Description of routine activities and a description of the educational programs offered;
11. A statement that liability insurance is carried by the center pursuant to R9-5-302. If liability insurance is not carried by the center, such shall be stated; and
12. Policy on medications and emergency medical procedures.

B. All visitors shall be supervised and accompanied by center personnel while touring the center.

C. Center personnel shall not release a child to anyone other than the custodial parent, guardian or a person designated by written authorization from the custodial parent or guardian except in the case of an emergency when phone authorization by that parent or guardian is provided.

D. The center shall have procedures to verify phone authorizations initiated by the custodial parent or guardian.

E. Center personnel shall inform parents about observations of the child's physical and emotional well-being, participation in center activities and programs, or unanticipated changes in the child's personality, behavior or habits.

F. The center shall notify parents and guardians that they have access to all areas of the center at any time during hours of operation and that they are allowed to interact with their children in the center's programs and activities.

G. The center shall have a written plan and instructions for center personnel to use in cases of emergency. Each of the center's personnel shall have read and be able to demonstrate that they can implement the plan in emergency situations.

R9-5-301. General Licensee Responsibilities

A. A licensee is responsible for the compliance of a facility with A.R.S. § 36-881 *et seq.* and these rules. The licensee shall designate a facility director who acts on behalf of the licensee and is responsible for the daily on-site operation of a facility. A licensee shall ensure that a facility director:

1. Designates in writing, an individual to act on behalf of the facility director when the facility director is not present in the facility and that the individual has access to all records necessary for performance of the facility director's duties.

a. The individual shall be 21 years of age or older and provide documentation of:

i. High school or high school equivalency diploma and 6 credit hours or more in early childhood, child development or closely related field in an accredited college or university, or 30 actual hours of instruction, provided in conferences, seminars, lectures, or workshops in the areas of early childhood, child development, or closely related field, and 12 months or more of child care experience;

ii. N.A.C., C.D.A., C.C.P., or C.P.C. credential and at least 12 months of child care experience;

iii. A minimum of 24 credit hours from an accredited college or university, including at least 6 credit hours of course work in the areas of early childhood, child development, or closely related field, and 12 months of child care experience;

iv. Associate degree from an accredited college or university in the areas of early childhood, child development, or closely related field, and 6 months of child care experience; or

v. Bachelor degree from an accredited college or university in the areas of early childhood, child development, or closely related field, and 3 months of child care experience.

b. A licensee has 12 months from the effective date of these rules to comply with this requirement.

2. Supervises or assigns a teacher-caregiver to supervise each staff member that does not meet the qualifications of R9-5-401(2) and each student-aide;

3. Prepares a dated attendance record for each day and ensures that each staff member records on the attendance record the time of each arrival and departure of the staff member.

B. A licensee shall develop and implement written facility policies and procedures required for the daily on-site operation of the facility as prescribed in A.R.S. § 36-881 *et seq.* and these rules.

C. A licensee shall ensure that parents are informed that they have access to all areas of a facility where child care services are provided during hours of operation and that parents are permitted to participate in any child care activity.

D. A licensee shall ensure that the following individuals are allowed immediate access to facility premises during hours of operation:

1. A parent or an individual designated in writing by the parent; or

2. A representative of:

a. The Department.

b. Local health department.

c. Child Protective Services, or

d. Local fire department or State Fire Marshal.

E. A licensee shall, with the exception of individuals listed in subsection(D), ensure that a staff member accompany and monitor any individual not registered with the Department, as prescribed by A.R.S. § 36-883.02, who is on facility premises

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to provide repair, maintenance, supplemental education, or other services where children are present.

- F.** A licensee shall ensure that each staff member and individual who is a resident at the facility submits 1 of the following documents provided by a health care provider as evidence of current freedom from pulmonary tuberculosis:

1. A report of a negative Mantoux skin test administered to a resident at the facility or to a staff member no later than 12 hours after the starting date of employment; or
2. A physician's written statement that the staff member or the individual who is a resident in the facility is currently free from tuberculosis.

- G.** If an enrolled child has an accident, injury, or emergency that requires medical treatment by a health care provider while attending a facility, the licensee shall ensure that a staff member:

1. Notifies the child's parent immediately after the accident, injury, or emergency;
2. Documents the date, time, and location of the child's accident, injury, or emergency, the method used to notify the parent, and the time the parent was notified; and
3. Maintains documentation of the accident, injury, or emergency on facility premises in a file that is separate from the current Emergency, Information, and Immunization card for 24 months from the date of the child's disenrollment.

- H.** A licensee shall ensure that at least 1 staff member who has current training in first aid and at least 1 staff member who has current training in CPR, as required by R9-5-403(E), is present at all times on facility premises, on field trips or while transporting enrolled children in a facility's motor vehicle or a vehicle designated by the licensee to transport children. This requirement may be met by a single staff member who has current training in both first aid and CPR.

- I.** A licensee shall prohibit the use or possession of the following items when an enrolled child is on facility premises, during hours of operation, or in any motor vehicle when used by the licensee for transportation of enrolled children:

1. Any beverage containing alcohol;
2. A controlled substance as listed in A.R.S. Title 36, Chapter 27, Article 2;
3. A dangerous drug as listed in A.R.S. § 13-3401(6);
4. A prescription medication as defined in A.R.S. § 32-1901(63) except where used in the manner prescribed; or
5. A firearm as defined by A.R.S. § 13-105(17).

- J.** At least once every 30 days and at different times of the day, a licensee shall ensure that an unannounced fire evacuation drill is conducted that includes each staff member and child at the facility.

1. If child care services for a child with special needs are provided at a facility, the licensee shall provide for the child's participation in each fire evacuation drill in accordance with the child's individualized plan as specified in R9-5-507(A)(1).
2. A licensee shall keep a written record of each fire evacuation drill on facility premises for 12 months from the date of the drill.

- K.** A licensee shall ensure that a written performance evaluation of each staff member is conducted every 12 months from the date of employment.

R9-5-302. Insurance

- A.** Each center shall secure and maintain general liability insurance with minimum limits of \$300,000, including coverage for any vehicle used for transporting children.

- B.** In the event that the Director determines that insurance is unavailable or that coverage in the required amounts cannot be obtained by the majority of the licensed child day care centers, the Director may issue an order modifying the requirements of subsection (A) for a period not to exceed one year. Such order may be revised or renewed following review by the Director of the then current insurance availability.

R9-5-302. Statement of Child Care Services

- A.** A licensee shall prepare a written statement regarding child care services that includes:

1. A description of the facility's child care services classifications in R9-5-205;
2. Hours of operation;
3. Child enrollment and disenrollment procedures;
4. Charges, fees, and payment requirements for child care services;
5. Child admission and release requirements;
6. Discipline guidelines and methods;
7. Transportation procedures;
8. Field trip requirements and procedures;
9. Responsibilities and participation of parents in facility activities;
10. A description of all activities and programs;
11. Liability insurance required by R9-5-308 that is carried by the licensee;
12. Medication administration procedures;
13. Emergency medical procedures;
14. A notice stating inspection reports are available, upon request; and
15. A provision stating that the facility is regulated by the Arizona Department of Health Services including the Department's address and telephone number.

- B.** A licensee shall provide a copy of the written statement of child care services:

1. To the Department:
 - a. At the time the licensee's facility receives an initial license.
 - b. Every 12 months from the date of the initial license as required by A.R.S. § 36-883.01, and
 - c. When a change occurs in the child care services provided by the licensee; and
2. To a parent when:
 - a. A parent's child is enrolled.
 - b. A parent requests a copy of the written statement of child care services, or
 - c. There is a change in the child care services provided by the licensee.

R9-5-303. Fire, safety and sanitation reports

The center shall maintain in one central area within the center, a current copy of fire, safety and sanitation inspection reports, documentation that all requested corrections have been completed and a copy of monthly fire drill reports. These reports shall be made available to the Department for immediate inspection until the license expires.

R9-5-303. Posting of Notices

- A.** A licensee shall designate a wall area or notice board inside the facility's entrance, in a place that can be viewed by individuals entering or leaving the facility, for the posting of the:

1. Current license;

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2. Name of facility director;
 3. Name of the individual designated as prescribed by R9-5-301(A)(1) to act on behalf of the facility director when the facility director is not present in the facility;
 4. Schedule of child care services fees and policy for the refund of fees as prescribed by A.R.S. § 36-882(K);
 5. Breakfast, lunch, dinner, and snack menus for each calendar week at the beginning of the calendar week;
 6. Notice of the presence of any communicable disease or infestation described in R9-6-202(C) from the date of discovery through the incubation period of the disease or infestation;
 7. Notice of denial, revocation or suspension as prescribed by A.R.S. § 36-888;
 8. Notice of an intermediate sanction imposed as prescribed by A.R.S. § 36-891.01;
 9. Notice of legal injunction imposed as prescribed by A.R.S. § 36-886.01; and
 10. Notice of the availability of facility inspection reports for public viewing.
- B.** A licensee shall ensure that the licensed capacity of each activity area or room is posted in that activity area or room.

R9-5-304. Personnel records and reports

- A.** The center shall maintain a current, individual file for each of the center's full-time and part-time personnel which includes:
1. Individual's name, birthdate, address and phone number;
 2. A record of work experience, education and training including where and when it was obtained;
 3. Name and telephone number of the person, physician or health facility to be notified in case of an emergency;
 4. Evidence of a tuberculin test pursuant to R9-5-401(B);
 5. A written statement, provided by the individual on a Department approved form, testifying to immunity to measles, rubella, diphtheria, tetanus and polio;
 6. Required licenses and certifications;
 7. Verification of compliance with R9-5-210;
 8. Date of employment or volunteer assignment; and
 9. Written performance evaluations.
- B.** Personnel files shall be maintained in one central location within the center or, for multi-center organizations, the records may be kept at a central administrative office. If kept at a central administrative office, that office shall be located within the same city or town as the child day care center.
- C.** The records shall be available for immediate inspection by the Department for a period of one year following termination of employment or volunteer work.

R9-5-304. Enrollment of Children

- A.** A licensee shall require that a child be enrolled by the child's parent or an individual authorized in writing by the parent.
- B.** At the time of enrollment, a licensee shall require a child's parent to complete an Emergency, Information, and Immunization Record card that is signed by a parent containing:
1. The child's name, home address, home telephone number, sex, and date of birth;
 2. The date of the child's enrollment;
 3. The names, home and business addresses, and telephone numbers of the child's parents;
 4. The names, addresses, and telephone numbers of individuals authorized by a parent to collect a child from the facility if the parent cannot be located;
 5. The names of individuals not permitted by a parent to remove the child from a facility;
 6. The names, addresses, and telephone numbers of a child's physician or health care provider and hospital;

7. The written authorization and parent instructions for emergency medical care of the parent's child when the parent cannot be contacted at the time of the emergency;
 8. The written instructions of a parent or health care provider for nutritional and dietary needs of a child;
 9. A written record completed by a parent or health care provider noting a child's susceptibility to illness, physical conditions of which child care personnel should be aware, and any individual requirements for health maintenance; and
 10. A child's immunization record or a notation of exemption affidavit, required by R9-5-305(A).
- C.** A licensee shall maintain a current Emergency, Information, and Immunization Record card for each enrolled child on facility premises in a place that provides child care personnel ready access to the card in event of an emergency at, or evacuation of, the facility.
- D.** When a child is disenrolled from a facility, the licensee shall:
1. Enter the date of disenrollment on the child's Emergency, Information, and Immunization Record card; and
 2. Maintain the records in subsection (D)(1) for 12 months from the date of disenrollment on facility premises in a place separate from the current Emergency, Information, and Immunization Record cards. If a licensee is a school governing board, a charter school, or a person operating multiple child care facilities, the licensee may maintain disenrollment records in a single central administrative office located in the same city, town, or school attendance area as the facility.

R9-5-305. Records and reports pertaining to children

The center shall maintain in one central location within the center, an individual file for each enrolled child. The file shall be made available for immediate inspection to the Department and contain the following:

1. Child's name, address, sex and date of birth.
2. Names of the child's parents or guardian, home and work addresses and telephone numbers.
3. Name, address and telephone number of additional persons to be notified in the event that the parents or guardian cannot be located.
4. Name and telephone number of the child's primary source of medical care.
5. Authorization and instructions for emergency medical care of the child when parents or guardian cannot be contacted.
6. Written instructions of the parent, guardian, or attending physician for any special dietary needs.
7. A record completed by the parent, guardian, or physician noting the child's susceptibility to illness and special requirements for health and maintenance.
8. Immunization record or exemption affidavit which includes:
 - a. A verifiable record provided by the child's health care provider, parent or guardian which states that the child has received current, Department recommended, age appropriate immunizations for Haemophilus Influenza, Type B (Hib), measles, mumps, rubella, diphtheria, pertussis, tetanus and polio. The parent or guardian of an unimmunized or partially immunized child shall verify that the child will receive these immunizations in accordance with the Department recommended schedule and provide a documented record from the health care provider of such immunizations, as they are completed; or

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- b. ~~An affidavit signed by the child's health care provider that the child has a medical condition such that required immunizations would seriously endanger the child's health; or~~
- c. ~~An affidavit signed by the child's parent or guardian that the child is being raised in a religion, the teachings of which are in opposition to immunization.~~
- 9. ~~Documentation that the center has notified the parent or guardian of each child who is 24 months of age or younger, at least quarterly and in writing, of all immunizations for that child which will become due during the upcoming quarter.~~
- 10. ~~Documentation that the center has notified the parent or guardian of each child who is 25 months or older, at least annually and in writing of all immunizations for that child which will become due during the coming year.~~
- 11. ~~Documentation that the child's parent or guardian was notified immediately of accidents or injuries to the child which required professional medical attention, and that an accident report was sent to the Department within three working days.~~
- 12. ~~Legal documentation of sole legal guardianship, if the custodial parent or guardian requests that the center not allow the non-custodial parent to interact with the child at the center.~~
- 13. ~~Written permission allowing phone authorizations for release of the child signed by the parent or legal guardian.~~

R9-5-305. Child Immunization Requirements

- A. A licensee shall not permit an enrolled child to attend a facility until the facility receives either a child's written immunization record or an exemption affidavit.
 - 1. A child's immunization record provided by a parent shall contain the information required by A.A.C. R9-6-703 provided by a health care provider, stating that the child has received all current, age-appropriate immunizations required by the Department under A.A.C. R9-6-701(A) and (B).
 - 2. An exemption affidavit provided by a parent shall consist of:
 - a. A statement, signed by a child's health care provider, that the immunizations required by the Department as prescribed in A.A.C. R9-6-701(A) and (B) would endanger a child's health or medical condition; or
 - b. A statement, signed by a child's parent, that the child is being raised in a religion whose teachings are in opposition to immunization.
- B. A licensee shall ensure that a staff member updates a child's immunization record on the child's Emergency, Information, and Immunization Record card each time a parent provides the licensee with a written statement from a child's health care provider that the child has received an age-appropriate immunization required by R9-6-701(A) and (B).
- C. If a child's immunization record indicates that a child has not received an age-appropriate immunization required by A.A.C. R9-6-701(A) and (B), a licensee shall ensure that a staff member:
 - 1. Notifies a parent in writing that the child may attend the facility for not more than 15 days from the date of the notification unless the parent provides the facility with written evidence of the required immunization or an

exemption affidavit as prescribed by subsection(A)(2); and

- 2. Documents in the child's immunization record the date on which a parent is notified of an immunization required by the Department.
- D. If a licensee is notified by a parent, staff member, or health care provider, that a child or staff member has a communicable disease, the licensee shall ensure that child care personnel do not permit a child who lacks written evidence of immunity to the communicable disease to be present in the facility until:
 - 1. A parent provides written evidence of the child's immunity to the disease; or
 - 2. A local health department notifies the licensee that the child may return to the facility.

R9-5-306. Attendance records

- A. The center shall keep attendance records of staff on duty and enrolled children which indicate the time of arrival and departure of each staff member and each child. The records shall be retained for two years in one central location within the center or, for multi-center organizations, these records may be kept at a central administrative office. If kept at a central administrative office, that office shall be located within the same city or town as the child day care center. The records shall be available for immediate inspection by the Department.
- B. The center shall maintain a dated class roster in each child care room on a daily basis which lists the names of all children assigned to that room for that day, and maintain the rosters on file for three months.

R9-5-306. Admission and Release of Children; Attendance Records

- A. A licensee shall maintain a written or electronically logged and dated attendance form containing a child's name with the time of each admission and release of the child.
 - 1. A licensee shall ensure that the attendance form is signed with at least a 1st initial and last name by each child's parent or individual designated in writing or by telephone by a parent, each time the child is admitted or released. An electronic fingerprint verification may be used in place of a signature of a parent or designated individual to verify identity before admitting or releasing a child.
 - 2. Before releasing a child to an individual other than a parent, a licensee shall require each individual collecting a child to present picture identification.
 - 3. A licensee shall not release a child to an individual other than a child's parent or other individual designated in writing by a parent except when the parent is unable to collect the child and authorizes the licensee by telephone to release the child to an individual not so designated. The licensee shall verify the telephone authorization using a means of verification that has been agreed upon between the licensee and the parent at the time of enrollment.
 - 4. A licensee shall not permit the self-admission or self-release of an enrolled child unless the child is of school age and the licensee has obtained and verified written permission from the child's parent.
 - 5. A licensee shall maintain the attendance form on facility premises for 12 months from the date of attendance.
- B. A licensee shall ensure that a staff member prepares and maintains a roster each day for each child under the staff member's supervision that:

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1. Is dated;
2. Lists the 1st and last name of each child physically present; and
3. Is maintained on facility premises for 3 months from the date of attendance.

R9-5-307. Records and reports of suspected child abuse

The center shall maintain documentation that all suspected cases of child abuse or neglect were reported to the appropriate authorities immediately upon detection in accordance with A.R.S. § 13-3620, reported to the Department within 24 hours and followed by a written report to appropriate authorities and the Department. Documentation shall be available for immediate review by the Department.

R9-5-307. Suspected or Alleged Child Abuse or Neglect

A licensee or staff member shall document and report all suspected or alleged cases of child abuse or neglect.

1. A licensee or staff member shall report the suspected or alleged child abuse or neglect to Child Protective Services or to a local law enforcement agency as prescribed in A.R.S. § 13-3620. The licensee or staff member shall notify the Department of the suspected or alleged child abuse or neglect by any means available within 24 hours of the required report. The licensee or staff member shall also send written documentation to the Department, Child Protective Services, and any local law enforcement agency previously notified within 3 days of the initial report, and maintain written documentation of a child abuse or neglect report on facility premises for 12 months from the date of a report.
2. A licensee or staff member shall report the suspected or alleged child abuse by a staff member to the Department and to a local law enforcement agency as prescribed in A.R.S. § 13-3620. A licensee or staff member shall also send written documentation to the Department and to any law enforcement agency previously notified within 3 days of the initial report, and maintain written documentation of a child abuse report on facility premises for 12 months from the date of a report.

R9-5-308. Enrollment, admission and release of children

- A. The child shall be enrolled by the parent or guardian. A plan for the child's care and any special requirements shall be clearly defined in writing upon enrollment.
- B. Information required for the child's file pursuant to R9-5-305 shall be recorded and signed by the parent or guardian when the child is enrolled.
- C. A child shall not be admitted if the admission will cause the center to exceed its licensed capacity.
- D. If children are to be released to persons other than the custodial parent or guardian, authorization for such release shall be obtained when the child is enrolled and updated as changes occur.
- E. Children shall not be allowed to admit or release themselves from a child day care center unless they are of school age and authorization in writing is provided by the child's parent or guardian. If written authorization is brought to the center by the child, the authorization shall be verified with the parent or guardian upon receipt.
- F. Centers shall require the signature of the parent, guardian, or a person authorized by the parent or guardian, each time the child enters the center or is released from the center. Centers shall require all persons other than the parent or guardian to present picture identification for verification in addition to the signature prior to releasing a child from the center.

- G. No child shall continue enrollment in the child day care center for more than 15 days, after receiving notification of needed immunizations, unless the parent/guardian has provided evidence of age appropriate immunization or an exemption affidavit.

- H. Children without evidence of immunity or an affidavit exempting immunization on file at the center are subject to exclusion from the center.

R9-5-308. Insurance Requirements

- A. A licensee shall secure and maintain the following minimum insurance coverage:

1. General facility liability insurance of at least \$300,000; and
2. Motor vehicle insurance coverage required by R9-5-517(A)(2) for each motor vehicle used by a licensee to transport enrolled children.

- B. A licensee shall provide a copy of each certificate of insurance to the Department before issuance of a license and at any time that the licensee's insurance coverage expires, is canceled, or changes.

R9-5-309. Sanitation, Gas, and Fire Inspections

- A. A licensee shall obtain the following health and safety inspections of a facility, according to the following schedules, and make any repairs or corrections stated on an inspection report before a license is issued by the Department:

1. Sanitation inspections, conducted a minimum of every 12 months by a local health department;
2. Gas inspections, conducted a minimum of every 12 months by a plumber holding a plumbing business license issued by a local government; and
3. Fire inspections, conducted a minimum of every 36 months by a local fire department or the State Fire Marshal.

- B. A licensee shall maintain current reports of sanitation, gas, and fire inspections and documentation of any repairs or corrections on facility premises.

ARTICLE 4. CENTER PERSONNEL FACILITY STAFF

R9-5-401. General personnel standards

- A. Center personnel shall have the physical and emotional health necessary to perform the duties and responsibilities required by these rules.

- B. Tuberculin tests shall be required of all center personnel as follows:

1. A tuberculin skin test shall be obtained prior to employment and for volunteers who will be contact with children at the center on a weekly basis. If a prospective employee is known to be tuberculin skin test positive, that individual shall submit verification of current freedom from communicable tuberculosis based on examination by a physician or public health clinic.
2. Personnel who have previously tested positive on skin tests must obtain a chest x-ray and sputum examination at any time they manifest symptoms compatible with tuberculosis.
3. If the center is located in a private home, every member of the household shall be subject to the tuberculosis screening required for personnel.

- C. Personnel shall not be allowed in the center who knowingly have, or present symptoms of, a contagious disease.

- D. Individuals without evidence of immunity on file are subject to exclusion from the center by order of state or local health officials. Individuals who were born before January 1, 1957,

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shall be considered immune to measles and therefore exempt from the measles immunization.

- E. There shall be at least one staff member with current certification in first aid training from a Department approved program and one staff member with current cardiopulmonary resuscitation certification from a program approved by the American Heart Association on the center premises at all times when the center is open, and on field trips.
- F. The center shall document good faith efforts to obtain three personal and three past employer references for potential center personnel. This documentation shall include at least one written personal reference and one written reference from the most recent employer.
- G. Personnel shall not smoke or use tobacco on the center premises during the hours of operation except in designated areas separated from the children.

R9-5-401. Staff Qualifications

A licensee shall ensure that child care personnel meet the following qualifications for employment or volunteer service at a facility.

- 1. A facility director is 21 years of age or older and provides the licensee with written documentation of 1 of the following:
 - a. High school or high school equivalency diploma and 6 credit hours or more in early childhood, child development, or closely related field in an accredited college or university, or 60 actual hours of instruction, provided in conferences, seminars, lectures, or workshops in the areas of early childhood, child development, or closely related field, and 24 months or more of child care experience;
 - b. N.A.C., C.D.A., C.C.P., or C.P.C. credential and at least 18 months of child care experience;
 - c. A minimum of 24 credit hours from an accredited college or university, including at least 6 credit hours of course work in the areas of early childhood, child development, or closely related field, and 18 months of child care experience;
 - d. Associate degree from an accredited college or university in the areas of early childhood, child development, or closely related field, and 6 months of child care experience; or
 - e. Bachelor degree from an accredited college or university in the areas of early childhood, child development, or closely related field, and 3 months of child care experience.

- 2. A teacher-caregiver is 18 years of age or older and provides the licensee with written documentation of 1 of the following:
 - a. High school or high school equivalency diploma and 6 months of child care experience;
 - b. N.A.C., C.D.A., C.C.P., or C.P.C. credential; or
 - c. Associate or bachelor degree from an accredited college or university in the areas of early childhood, child development, or closely related field.
- 3. An assistant teacher-caregiver is 16 years of age or older and provides the licensee with written documentation of 1 of the following:
 - a. Current and continuous enrollment in high school or a high school equivalency class.
 - b. High school or high school equivalency diploma.
 - c. Enrollment with a STRIVE program, or
 - d. Enrollment in vocational rehabilitation as defined in A.R.S. § 23-501(8).
- 4. A student-aide provides the licensee with written documentation of enrollment in:
 - a. A high school STRIVE program;
 - b. An educational, curriculum-based course in child development, parenting, or guidance counseling; or
 - c. A vocational education or occupational development program.
- 5. A volunteer is 16 years of age or older.

R9-5-402. Personnel qualifications

- A. The center director shall be at least 21 years of age and appropriately qualified as specified in the Table of Qualification Standards following this rule.
- B. Teacher caregivers shall be at least 18 years of age and appropriately qualified as specified in the Table of Qualification Standards following this rule.
- C. Assistant teacher caregivers shall be at least 16 years old and appropriately qualified as specified in the Table of Qualification Standards following this rule.
- D. Center directors and teacher caregivers hired prior to the adoption of these rules shall have two years from the date of adoption to meet the minimum qualifications required for employment. A teacher caregiver regularly employed at a center for five or more years prior to the adoption of these rules shall be exempt from the requirements in subsection (B) of this rule.
- E. No one under the age of 16 shall be employed or serve as a volunteer in a child day care center.
- F. Personnel under the age of 18 must be directly supervised at all times.

TABLE OF QUALIFICATION STANDARDS	
CHILD DAY CARE CENTER DIRECTOR	
Each center director shall meet one of the following sets of minimum academic and qualifying experience.	
ACADEMIC COURSE WORK	CHILD CARE QUALIFYING EXPERIENCE
A high school diploma or its equivalent with at least six hours of academic course work or 90 hours of documented workshop experience in early childhood education or child development.	Two years

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A Child Development Associate credential or its equivalent with at least six hours of academic course work or 90 hours of documented workshop experience in early childhood or child development.	Eighteen months
One year of college with at least six hours of academic course work in early childhood education, child development or closely related field.	Eighteen months
An association degree in early childhood education, child development or closely related field.	Six months
A bachelor's degree in early childhood education, child development or closely related field.	Three months
CHILD DAY CARE CENTER TEACHER-CAREGIVER	
Each teacher-caregiver shall meet one of the following sets of minimum academic and qualifying experience.	
ACADEMIC COURSE WORK	CHILD CARE QUALIFYING EXPERIENCE
High school diploma or its equivalent.	Six months
Child Development Associate credential or equivalent.	N/A
Associate or bachelor's degree in early childhood education, child development or closely related field.	N/A
CHILD DAY CARE CENTER ASSISTANT TEACHER-CAREGIVER	
ACADEMIC COURSE WORK	CHILD CARE QUALIFYING EXPERIENCE
High school diploma or its equivalent and an interest in working with children.	N/A
Enrolled in high school H.E.R.O. program or similar educational program approved by the school governing board	N/A
Enrolled in high school classes or equivalent and an interest in working with children in summer camps.	N/A

R9-5-402. Staff Records and Reports

A. A licensee shall maintain a file for each staff member containing:

1. The staff member's name, date of birth, home address, and telephone number;
2. Documents required by R9-5-401;
3. Name and telephone number of an individual or health care provider to be notified in case of emergency;
4. Documents required by R9-5-301(F);
5. The staff member's written statement attesting to current immunity against measles, rubella, diphtheria, and tetanus;
6. A copy of any current license or certification required by A.R.S. § 36-881 *et seq.* or these rules;
7. Written documentation from the Department verifying registration compliance with the Department according to A.R.S. § 36-883.02;
8. Written documentation of training provided by a licensee as required by R9-5-403;
9. The staff member's starting dates of employment or volunteer service;
10. The staff member's ending dates of employment or volunteer service, if applicable;

11. All written performance evaluations of the staff member conducted by the licensee as required by R9-5-301(K); and

12. At least 2 personal and 2 professional references, including at least 1 written personal reference and at least 1 written professional reference from a previous employer, and documentation of the licensee's good faith effort to contact each reference.

B. A licensee shall ensure that a staff member's information, required by subsections (A)(1) through (A)(12), is maintained in a single location on facility premises. If a licensee is a school governing board, a charter school, or a person operating multiple child care facilities, the licensee shall maintain the information required by subsections (A)(1) through (A)(10) on facility premises, but may maintain the information required by subsections (A)(11) and (A)(12) in a single, central administrative office located in the same city, town, or school attendance area as the facility.

C. A licensee shall ensure the records and reports required by this rule are maintained throughout a staff member's period of employment or volunteer service and for 12 months from a staff member's last date of employment or volunteer service.

R9-5-403. Personnel responsibilities and duties

A. The center director shall:

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1. Be responsible for the supervision of personnel and children.
 2. Designate in writing a teacher-caregiver who is at least 21 years old to act in the center director's behalf and have access to all records necessary to the performance of the director's duties during an absence from the center.
 3. Provide for continuous supervision, during hours of operation, of all non-center persons who are registered with the Department pursuant to R9-5-210 but are furnishing repair, maintenance, supplemental education or other essential services for compensation in an area of the center where children are present.
 4. Provide, or make available, a minimum of 12 hours of in-service training each year for all teacher-caregivers, assistant teacher-caregivers and other personnel as appropriate, depending upon the needs of the program and the qualifications of staff and volunteers. The training shall include at least the following:
 - a. Orientation of all new employees to the center and its policies and procedures;
 - b. On-the-job training for all new personnel who need training in specific areas of job responsibilities;
 - c. Personnel responsibilities in complying with these rules;
 - d. Health and safety procedures including recognition of illness and disease and training in basic disease control techniques;
 - e. Child growth and development;
 - f. Child abuse prevention, detection and reporting;
 - g. Positive guidance and discipline;
 - h. Nutrition and good eating habits;
 - i. Availability of community services;
 - j. Family involvement and communication with families;
 - k. Program planning and development; and
 - l. Creating a classroom environment.
 5. Provide, or assign a teacher-caregiver to provide, supervision for each assistant teacher-caregiver.
- B.** Center personnel may perform duties other than child care if the duties are not undertaken simultaneously with the supervision of the children in their charge. Personnel with diaper changing responsibilities shall not be assigned food preparation duties.
- C.** Center personnel having responsibility for the care of children shall report any case of suspected child abuse or neglect in accordance with R9-5-207.
- D.** Center personnel shall not be regularly scheduled to perform child care duties for more than eight hours within any 24-hour period.

R9-5-403. Training Requirements

- A.** A licensee shall provide, and each staff member who provides child care services to children, shall complete within 10 days of the starting date of employment or volunteer service, training for new staff members that includes all of the following:
1. Facility philosophy and goals;
 2. Names, ages, and needs of children to be assigned to a staff member;
 3. Health needs, nutritional requirements, and information about adaptive devices of children for whom a staff member will provide child care services;
 4. Lesson plans;
 5. Child guidance and methods of discipline;
 6. Hand washing techniques;

7. Diapering techniques and toileting, if assigned to diaper changing duties;
8. Food preparation, service, sanitation, and storage, if assigned to food preparation;
9. Infant formula preparation, if assigned to formula preparation;
10. Recognition of signs of illness and infestation;
11. Child abuse or neglect detection, prevention, and reporting;
12. Accident and emergency procedures;
13. Staff responsibilities as required by A.R.S. § 36-881 *et seq.* and these rules;
14. Sun safety policies and procedures; and
15. Safety on outdoor activity areas.

B. A licensee shall ensure that every 12 months from a staff member's date of employment, the staff member completes 12 or more actual hours of training in 1 or more of the following areas:

1. Accident and emergency procedures, including CPR and first aid for infants and children;
2. Recognition of signs of illness and infestation;
3. Child growth and development;
4. Child abuse or neglect detection, reporting, and prevention;
5. Child guidance and methods of discipline;
6. Nutrition and developmentally appropriate eating habits;
7. Availability of community services and resources, including those available to children with special needs;
8. Parent involvement and communication with parents;
9. Program administration, planning, and development;
10. Environment of child care activity areas;
11. Sun safety policies and procedures; and
12. Safety on outdoor activity areas.

C. A licensee shall ensure that documentation of a staff member's completion of training required by subsection (A) is signed by the facility director and dated.

D. A licensee shall ensure that a staff member submits to the licensee documentation of training received as required by subsection (B) to the licensee as the training is completed.

E. A licensee shall ensure that a staff member required by R9-5-301(H) meets all of the following:

1. The staff member obtains first aid training specific to infants and children.
2. The staff member obtains CPR training specific to infants and children which includes a demonstration of the staff member's ability to perform CPR.
3. The staff member maintains current training in first aid and CPR, and
4. The staff member provides the licensee with a copy of the front and back of the current card issued by the agency or instructor as proof of completion of the requirements of this subsection.

R9-5-404. Center staffing

- A.** Children shall be grouped for supervision according to age and maturity and center personnel shall supervise all children at all times. There shall be at least the following ratios of personnel directly engaged in the care and supervision of children in the center's care:

1. Infants	1:5 or 2:11
2. One-year-old child	1:6 or 2:13
3. Two-year-old children	1:10
After July 1, 1988	1:8
4. Three-year-old children	1:15
After January 1, 1989	1:13

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- 5. Four-year-old children 1:20
After July 1, 1989 1:15
- 6. Five-year-old children who are not yet school age 1:25
After January 1, 1990 1:20
- 7. School-age children 1:25
After January 1, 1990 1:20
- B. For center swimming and water activities conducted at a public swimming pool which provides appropriately certified advanced lifesaving staff on the premises, the center shall provide ratios of center personnel to children as defined in subsection (A) of this rule to be present in the pool or observing poolside.
- C. For center swimming and water activities conducted in a private swimming pool, or public swimming pool which does not provide appropriately certified advanced lifesaving staff on the premises, the center shall provide ratios of center personnel to children as defined in subsection (A) of this rule plus one additional person currently certified in advanced lifesaving and cardiopulmonary resuscitation (CPR) to be present in the pool or observing poolside.
- D. When transporting children who are not yet school age, the center shall provide ratios of center personnel to children defined in subsection (A) of this rule in addition to the vehicle driver unless four or fewer children are being transported. When transporting school-age children, ratios of center personnel to children defined in subsection (A) of this rule shall be maintained but the vehicle driver may be included in the required ratio.
- E. If otherwise qualified, the center director, office, domestic and maintenance personnel may be included in the count for required personnel/child ratios at times when their sole responsibility is child supervision. This shall be verified by a clearly stated outline of time commitments.
- F. Center personnel under 18 years of age may be included in the required personnel/child ratios if working under the supervision of adult personnel.
- G. In groups of children of mixed ages, the number of personnel required shall be based upon the staffing ratio required for the youngest child in the group.
- H. The center shall have a minimum of two personnel, one of whom shall be a teacher-caregiver on the center's premises at all times whenever six or more children of any age group are present. In a center where five or fewer children are in attendance, at least one of the center's personnel shall be on the premises with at least one of the center's other personnel readily available to relieve or assist in cases of emergency.
- I. No infants shall be mixed with older children for supervision if six or more children are present in the center.
- J. Each center shall have sufficient personnel to prepare and serve food, and maintain the center in a clean and safe manner. Maintenance of the child day care center shall not be dependent upon the work of the children under supervision.

R9-5-404. Staff-to-Children Ratios

- A. A licensee shall ensure that at least the following staff-to-children ratios are maintained at all times when providing child care services to enrolled children:

Age Group	Staff: Children
Infants	1:5 or 2:11
1-year-old children	1:6 or 2:13
2-year-old children	1:8
3-year-old children	1:13
4-year-old children	1:15
5-year-old children not school-age	1:20
School-age children	1:20

- B. A licensee shall ensure that child care personnel:
 - 1. Place enrolled children in age-appropriate or developmentally appropriate groups;
 - 2. Determine and maintain the required staff-to-children ratio for a group of children based on the age of the youngest child in the group;
 - 3. Allow a volunteer to be counted as staff in staff-to-children ratios;
 - 4. Not allow a student-aide to be counted as staff in staff-to-children ratios; and
 - 5. When 6 or more children are present in a facility, not place an infant for supervision with children who are not infants.
- C. A licensee shall ensure that at least 2 staff members are on facility premises when 6 or more children of any age group are present in a facility. At least 1 staff member shall be a teacher-caregiver. When 5 or fewer children are present, 1 teacher-caregiver shall be on facility premises and another staff member shall be available by telephone or other equally expeditious means and able to reach the facility within 15 minutes of notification.
- D. A licensee may allow a staff member to perform duties other than child care if the duties are not undertaken simultaneously with the supervision of children in the staff member's charge.
- E. In addition to maintaining the required staff-to-children ratios, a licensee shall ensure that staff members are present on facility premises to perform facility administration, food preparation, food service, and maintenance responsibilities. Facility maintenance shall not be dependent on the work of enrolled children.
- F. When 6 or more enrolled children are participating in a field trip, a licensee shall ensure that a teacher-caregiver and at least 1 additional staff member are present on the field trip.
- G. When transporting enrolled children who are not school age in a motor vehicle, a licensee shall maintain the staff-to-children ratios required by subsection (A) in addition to the motor vehicle driver unless 4 or fewer children are being transported.
- H. When transporting children of school age in a motor vehicle, a licensee shall maintain the staff-to-children ratio required by subsection (A). A licensee may include the motor vehicle driver as staff in the staff-to-children ratio.
- I. If a licensee conducts swimming activities at a swimming pool that has a lifeguard on the premises who has current lifesaving certification from the American Red Cross, a licensee shall maintain staff-to-children ratios required by subsection (A).
- J. If a licensee conducts swimming activities at a swimming pool that does not have a lifeguard on the premises who has current lifesaving certification from the American Red Cross, the licensee shall maintain staff-to-children ratios stated in subsection (A) and have at least 1 additional staff member who:
 - 1. Has a current lifesaving certificate from the American Red Cross; and
 - 2. Is present in the pool or observing pool side while enrolled children are at the pool.

ARTICLE 5. CENTER FACILITY PROGRAM AND EQUIPMENT

R9-5-501. General program standards

- A. The center shall maintain a safe and healthful environment, free from disease and illness.

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- B.** Within each daily program, teacher-caregivers shall select activities in which children can become individually involved and which meet the children's developmental age and needs for:
1. Indoor/outdoor activities;
 2. Quiet/active activities;
 3. Supervised free choice/teacher-directed activities;
 4. Individual, small group and large group activities;
 5. Small/large muscle development activities; and
 6. Meals and snacks.
- C.** Teacher-caregivers shall develop, post and implement activity or lesson plans which provide an opportunity for each child to:
1. Gain a positive self-concept;
 2. Develop and practice social skills;
 3. Think, reason, question, and experiment;
 4. Acquire language skills;
 5. Develop physical coordination skills;
 6. Develop good health, safety, and nutritional habits;
 7. Express creativity;
 8. Learn to respect cultural diversity of staff and children; and
 9. Learn self-help skills, and develop a sense of responsibility and independence.
- D.** Center personnel shall not at any time endanger the health or safety of the children under their care and shall assure that each child is clean and groomed as necessary after meals and activities.
- E.** Daily activity or lesson plans for each group of children at the center shall be maintained in a file at the center and available for review for one year.
- F.** Center personnel shall consider the age and needs of the children and the length of time spent in the center when scheduling nap times. During nap times:
1. Television shall not be in operation in designated sleeping rooms; and
 2. Children shall not be allowed to lie in direct contact with the floor.
- G.** When scheduling outdoor play time, personnel shall group children by age and developmental needs to avoid conflicts, overcrowding, and undue competition for materials.
- H.** Teacher-caregivers shall be knowledgeable of, and able to provide, verbal or written information upon reasonable request about each child's progress in the acquisition of skills, emotional development and new or unusual behavior during daily activities.
- I.** Activity restrictions include the following:
1. Children shall not be allowed in the kitchen or laundry room except as part of a planned program;
 2. Children shall be protected from over-exposure to the sun. Shoes must be immediately available if at a swimming pool which is not surrounded by a cool surface/decking; and
 3. Written permission shall be obtained from the parent or guardian and filed in the child's record before involving any child in a swimming program.

R9-501. General Child Care Program and Equipment Standards

- A.** A licensee shall ensure that:
1. The health, safety, or welfare of an enrolled child is not endangered;
 2. All designated exits, corridors, and passageways that provide escape from the building are unobstructed and unlocked during hours of operation;

3. Combustible material such as paper, boxes or rags is not permitted to accumulate inside or outside the facility premises;
4. Drinking water is provided sufficient for the needs of and accessible to each enrolled child in both indoor and outdoor activity areas;
5. Activity areas used by children are decorated with age-appropriate articles such as mirrors, bulletin boards, pictures, and posters;
6. Age-appropriate toys, materials, and equipment are provided to enable each child to participate in an activity.
 - a. Toys, materials, and equipment are maintained in a clean condition.
 - b. Storage space is provided in the facility for indoor and outdoor toys, materials, and equipment in areas accessible to enrolled children;
7. Clean clothing is available to a child when a child needs a change of clothing;
8. If a staff member places a child in a high chair when feeding a child:
 - a. The high chair is equipped with a safety strap;
 - b. The high chair is constructed to prevent toppling;
 - c. The tray or feeding surface of the high chair is smooth and free of cracks; and
 - d. The staff member:
 - i. Fastens the safety strap while a child is in the high chair; and
 - ii. Sanitizes the tray or feeding surface before each child's use;
9. The facility conforms to the standards prescribed in R9-5-511 and the following for a child who will be present at the facility during evening and nighttime hours:
 - a. Permit a mat only when used on top of a cot;
 - b. Before bathing a child at a facility, obtain written consent and bathing instructions from a parent and follow the instructions while bathing the child;
 - c. Require that a staff member clean and sanitize a bathtub or shower stall after bathing each child;
 - d. Require that a staff member remain awake while supervising a sleeping child; and
 - e. Prohibit operation of a television set in a room where a child is sleeping.
10. The facility conforms to the standards prescribed in R9-5-511 and the following for naptime:
 - a. A child is not permitted to lie in direct contact with the floor while napping;
 - b. A television set is not operated in a room in which a child is napping;
 - c. Naptime accommodations are available for an enrolled school-age child if requested by the child or a parent;
 - d. Light is provided in naptime areas for observing a sleeping child; and
 - e. An attic or loft is not used for naptime;
11. An activity area is equipped with at least 1 cot or mat, a sheet, and a blanket, where a child can be separated from other children for quiet time;
12. Written permission is obtained from a child's parent before allowing the child to participate in a swimming activity;
13. Outdoor activities are scheduled to allow not less than 75 square feet for each child occupying the facility's outdoor activity area at any time;

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14. The facility's buildings, premises, and indoor and outdoor play equipment are maintained in good repair and free from hazards;
 15. The facility conforms to the following heating and cooling standards:
 - a. Temperatures are maintained between 68° and 82° F. in each room used by children;
 - b. Heating and cooling equipment is inaccessible to children;
 - c. Fans are mounted and inaccessible to children;
 - d. An unvented or open-flame space heater or portable heater is not used on the facility premises; and
 - e. A gas valve on an unused gas outlet is removed and capped where it emerges from the wall or floor;
 16. The facility conforms to the following lighting and electrical standards:
 - a. Except when a child is napping or sleeping, each room used by enrolled children is maintained at a minimum of 30 foot candles of illumination;
 - b. Each unused electrical outlet is covered with a safety plug cover or insert;
 - c. Crockpots and hot plates are used only in a kitchen and are inaccessible to children; and
 - d. Electrical extension cords are not used;
 17. The facility conforms to the following toilet room standards:
 - a. Plumbing fixtures are maintained in a clean and working condition;
 - b. Chipped or cracked sinks and toilets are replaced or repaired;
 - c. Toilet rooms are ventilated to the outside of the building, either by a screened window open to the outside air or by an exhaust fan and duct system that is operated when the toilet room is in use;
 - d. A toilet room with a door that opens to the exterior of a building is equipped with a self-closing device that keeps the door closed except when an individual is entering or exiting; and
 - e. A toilet room door does not exit into a kitchen;
 18. Storage space is provided in the facility for cots, mats, sheets, and blankets accessible to an area used for nap-time or sleeping and separate from food service and preparation, toilet rooms, and laundry rooms;
 19. Each child's toothbrush, comb, washcloth, cloth towel, and clothing is maintained in a clean condition and stored in an identified space separate from those of other children;
 20. All materials and chemicals labeled as a toxic or flammable substance are stored in an area inaccessible to children that is locked with a key or combination lock and is separate from food storage areas;
 21. All substances that may be a hazard to a child and have a child warning label are inaccessible to children and stored separately from food storage areas; and
 22. Garden tools, lawn mowers, ladders, and other facility equipment presenting a hazard to children are stored in an area inaccessible to children.
- B. A licensee shall ensure that a staff member:**
1. Supervises enrolled children at all times;
 2. Reports any suspected or alleged child abuse or neglect according to procedures prescribed in R9-5-307;
 3. Does not smoke or use tobacco on facility premises except in designated areas separated from the children;
 4. Cleans each enrolled child before and after each meal and changes a child's clothing when wet or soiled;
5. Prepares, and posts in each activity area, a current schedule of children's age-appropriate activities, including the times the following are provided:
 - a. Meals and snacks;
 - b. Naps;
 - c. Indoor and outdoor activities;
 - d. Quiet and active activities;
 - e. Teacher-directed activities;
 - f. Self-directed activities;
 - g. Activities for individuals, groups of 5 or fewer children, and groups of 6 or more children; and
 - h. Activities that develop small and large muscles;
 6. Prepares and posts a dated lesson plan in each activity area for each calendar week which is maintained on facility premises for 12 months from the lesson plan date and provides opportunities for each child to:
 - a. Gain a positive self-concept;
 - b. Develop and practice social skills;
 - c. Think, reason, question, and experiment;
 - d. Acquire language skills;
 - e. Develop physical coordination skills;
 - f. Develop habits that meet health, safety, and nutritional needs;
 - g. Express creativity;
 - h. Learn to respect cultural diversity of children and staff;
 - i. Learn self-help skills; and
 - j. Develop a sense of responsibility and independence;
 7. Does the following when a parent permits or asks a staff member to use external personal products for a child, such as petroleum jelly, diaper rash ointments, sun screen or sun block preparations, and baby diapering preparations:
 - a. Obtains the child's personal products from the parent or, if the licensee provides the personal products for use by the child, obtains written approval for use of the products from the parent;
 - b. Labels the personal products with the child's 1st and last name; and
 - c. Keeps the personal products inaccessible to children;
 8. Places a child's wet or soiled laundry in a plastic bag labeled with the child's name, stores the laundry in a container covered with a tight fitting lid, and sends the laundry home when the facility releases the child to the child's parent; and
 9. Monitors a child for overheating or overexposure to the sun. If a child exhibits signs of overheating or overexposure to the sun, a staff member who has the first aid training required by R9-5-403(F) shall evaluate and treat the child.
- R9-5-502. Supplemental program standards for infants**
In addition to requirements specified in R9-5-501, centers providing infant care shall comply with the following:
1. The center shall provide a list showing each infant's name and the assigned teacher-caregiver. The list shall be posted in the infant room.
 2. The teacher-caregiver shall provide consistent, individualized care to each infant, as evidenced by:
 - a. Responding promptly to the infant's distress signals and need for comfort;
 - b. Playing with and talking to the infant;
 - c. Holding and rocking the infant and conducting the other everyday infant care activities;

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- d. ~~Providing adequate, appropriate, and nutritious foods conducive to the infant's optimum growth and development;~~
- e. ~~Establishing a consistent daily routine;~~
- f. ~~Providing a variety of age-appropriate activities and learning materials; and~~
- g. ~~Allowing the infant a balance of quiet and active periods.~~
- 3. ~~Each infant shall have time and space both indoors and outdoors to play and explore in a safe and unobstructed area.~~
- 4. ~~An infant who is awake shall not spend more than one hour of consecutive time confined in a crib, playpen, swing, highchair, or other restricting equipment.~~
- 5. ~~Teacher-caregivers shall provide infants with a variety of age-appropriate toys, sights, sounds and textures suitable to their level of development.~~
 - a. ~~The variety shall include at least the following: toys for stacking, pulling and grasping, soft toys, books, mobiles and unbreakable mirrors.~~
 - b. ~~The quantity of toys to be provided shall be at least three times as great as the number of infants in attendance.~~
- 6. ~~Each infant shall be allowed to maintain his own pattern of sleeping and waking.~~
- 7. ~~Teacher-caregivers shall never place a child directly on a waterproof mattress cover.~~
- 8. ~~Each child's diaper shall be changed as soon as soiled.~~
 - a. ~~When changing diapers, the child shall be washed and dried using the child's individual toilet accessories.~~
 - b. ~~If cloth diapers are used, they shall be emptied but not rinsed in a toilet fixture as soon as possible, placed in individual plastic bags and stored in a covered container out of reach of children.~~
 - c. ~~Personnel shall wash their hands immediately before and after each diaper change.~~
- 9. ~~The teacher-caregiver assigned to infant care shall keep a daily written log of significant information about each infant. The log shall be kept in the infant care room and the information shall be relayed to the children's parents.~~
- 10. ~~Infants shall be separated from older children except as defined in R9-5-404(I).~~
- b. Toys, materials, and equipment in a quantity sufficient to meet the needs of the infants in attendance that include:
 - i. Toys for stacking, pulling, and grasping;
 - ii. Soft toys;
 - iii. Books;
 - iv. Mobiles;
 - v. Unbreakable mirrors; and
 - vi. Outdoor play equipment; and
- c. At least 1 adult-size chair for staff members' use when holding or feeding an infant;
- 8. Provide a crib for each infant that:
 - a. Has bars or openings spaced no more than 2-3/8 inches apart and a crib mattress measured to fit not more than 1/2 inch from the crib side;
 - b. Has a commercially waterproofed mattress; and
 - c. Is furnished with clean, sanitized, crib-size bedding, including a fitted sheet and top sheet or a blanket.
- 9. Prohibit the use of stacked cribs; and
- 10. Arrange the cribs to maintain a minimum spacing between cribs that is not less than 2 feet on any crib side that has bars or other openings, except when:
 - a. A crib side with bars is next to a wall; or
 - b. A crib end does not have bars and the cribs are placed end to end.
- B. A licensee providing child care services for infants shall not:
 - 1. Allow an infant room to be used as a passageway to another area of the facility;
 - 2. Permit an infant who is awake to remain for more than 30 consecutive minutes in a crib, playpen, swing, high chair, infant seat, or other equipment that confines movement; or
 - 3. Permit a child to use a walker, except a child with special needs for whom a walker is prescribed by a health care provider.
- C. A licensee shall ensure that:
 - 1. A staff member assigned to infants in an infant room:
 - a. Plays and talks with each infant;
 - b. Holds and rocks each infant;
 - c. Responds immediately to each infant's distress signals;
 - d. Keeps a dated, daily, written record of each infant's activities, food consumption, and diaper changes, and maintains the record on facility premises for 3 months from the record date. A staff member shall provide a copy of this record to the infant's parent upon request;
 - e. Removes soft pillows and toys from a crib when an infant is sleeping;
 - f. Cleans and sanitizes each crib and mattress used by an infant when soiled;
 - g. Changes each crib sheet and blanket before use by another child, when soiled, or at least every 24 hours; and
 - h. Cleans and sanitizes all sheets and blankets before use by another child.
 - 2. A staff member assigned to an infant in an infant room does not:
 - a. Place an infant directly on a waterproof mattress cover;
 - b. Restrain an infant in a crib or other restrictive equipment; or
 - c. Place an infant in a crib or other equipment that confines movement for disciplinary reasons.

R9-5-502. Supplemental Standards for Infants

- A. In addition to complying with all child care standards, a licensee providing child care services for infants shall:**
- 1. Separate infants from children older than 12 months of age. Within 24 months from the effective date of these rules, a facility shall provide a wall enclosed room that provides exits required by R9-5-602(A) to separate infants from children older than 12 months of age;
 - 2. Post a list in each infant room stating each infant's name and assigned staff member;
 - 3. Provide active and quiet activities;
 - 4. Provide indoor and outdoor activities;
 - 5. Permit an infant to maintain an established pattern of sleeping and waking;
 - 6. Provide an outdoor activity area that is scheduled for use by infants when children older than infants are not present;
 - 7. Provide space, materials, and equipment in an infant room that includes the following:
 - a. An area with nonabrasive carpeting for sitting, crawling and playing;

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3. Before feeding an infant, a staff member:
 - a. Obtains dated, written instructions from a parent or health care provider regarding the method of feeding and types of foods to be prepared or fed to an infant at the facility;
 - b. Updates the written instructions as foods or methods are added or changed;
 - c. Posts the current written instructions in the kitchen and infant room and maintains the instructions on facility premises for 3 months from the date of the instructions; and
 - d. Follows the current written instructions of a parent when feeding the infant.
4. When preparing, using, or caring for an infant's feeding bottles, a staff member:
 - a. Labels each bottle received from the parent with the child's 1st and last name;
 - b. Ensures that a bottle is not:
 - i. Heated in a microwave oven;
 - ii. Propped for an infant feeding; or
 - iii. Permitted in an infant's crib unless the written instructions required by subsection (C)(3) state otherwise;
 - c. Empties and rinses bottles previously used by an infant; and
 - d. Cleans and sanitizes using heat only, a bottle, bottle cover, and nipple before reuse.
5. When feeding an infant, a staff member:
 - a. Provides an infant with food for growth and development that includes:
 - i. Formula provided by a parent or the licensee that is prepared and stored in a sanitary manner at the facility, following written instructions required by subsection (C)(3);
 - ii. Cereal as requested by a parent or health care provider. A staff member shall not mix cereal with formula and feed it to an infant from a bottle or infant feeder unless the written instructions required by subsection (C)(3) state otherwise; and
 - iii. Solid foods as requested by a parent. A staff member shall feed solid food to an infant by spoon from an individual container. A separate container and spoon shall be used for each infant;
 - b. Holds and feeds an infant under 6 months of age and an infant older than 6 months of age who cannot hold a bottle for feeding; and
 - c. If an infant is no longer being held for feeding, seats the infant in a high chair or at a table with a chair that allows the child to reach the food while sitting.

R9-5-503. Supplemental program standards for one- and two-year-old children

In addition to requirements specified in R9-5-501, centers providing care to one- and two-year-old children shall comply with the following:

1. Center personnel shall provide personal attention to, and contact with, each child by holding and talking to the child and taking the child for walks inside the center premises.
2. A one- or two-year-old child who is awake shall not spend more than one hour of consecutive time confined in a crib, highchair, playpen, or other confining equipment.

3. One- and two-year-old children shall have outdoor play time in the area that safely separates them from older children. Developmentally appropriate outdoor play equipment shall be available.
4. Each child shall be allowed to maintain his own pattern of sleep and waking periods. Special provision shall be made so that children who require nap time have a separate sleeping area which is apart from space used for play.
5. The center shall consult with each child's parent or guardian to develop a mutual plan regarding individual toilet training of the child and shall not force toilet training on any child.

R9-5-503. Standards for Diaper Changing

- A. A licensee shall provide a diaper changing area in each activity area as required in R9-5-602(C) that consists of:
 1. A nonabsorbent, sanitizable diaper changing surface that is:
 - a. Seamless and smooth; and
 - b. Kept clear of items not required for diaper changing;
 2. A hand washing sink next to the diaper changing surface for staff use when changing diapers and for washing a child during or after diapering, that provides:
 - a. Running water between 86 and 110 degrees Fahrenheit;
 - b. Antibacterial soap from a dispenser; and
 - c. Single-use paper hand towels from a dispenser; and
 3. At least 2 waterproof, sanitizable containers with waterproof liners and tight fitting lids. Separate containers shall be used for soiled diapers and soiled clothing. A licensee shall ensure that:
 - a. The containers are inaccessible to children;
 - b. A staff member:
 - i. Empties clothing soiled with feces into a flush toilet without rinsing;
 - ii. Places clothing soiled by feces or urine in a plastic bag labeled with a child's name, stores the clothing in a container used for this purpose, and sends the clothing home with the child's parent; and
 - iii. Removes disposable diapers and disposable training pants from a diaper changing area as needed or at least twice every 24 hours to a waste receptacle outside the facility building.
- B. A licensee shall ensure that a staff member does not:
 1. Permit a bottle, formula, food, eating utensil, or food preparation in a diaper changing area;
 2. Draw water for human consumption from a diaper changing area sink; or
 3. If responsible for food preparation, change diapers until food preparation duties have been completed for the day.
- C. A licensee shall ensure that a written diaper changing procedure is posted and implemented in each diaper changing area. The procedure shall state that a child's diaper shall be changed as soon as it is soiled, and that a staff member, when diapering, shall:
 1. Use a separate wash cloth and towel only once for each child;
 2. Wash and dry a child using the child's individual personal products labeled with the child's 1st and last name;
 3. Use single-use disposable latex gloves;

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4. Wash his or her own hands with antibacterial soap and running water between 86 and 110 degrees Fahrenheit before and after each diaper change;
5. Wash each child's hands with antibacterial soap and running water between 86 and 110 degrees Fahrenheit after each diaper change;
6. Clean, sanitize, and dry the diaper changing surface following each diaper change; and
7. Use single-use paper towels from a dispenser to dry the diaper changing surface or the hands of a child or staff member.

D. A licensee shall ensure that a staff member:

1. Keeps a dated log for each day in each diaper changing area, listing each time the child's diaper has been changed; and
2. Maintains the diaper changing log on facility premises for 3 months from the date of the log.

R9-5-504. Supplemental program standards for school-age children

In addition to requirements specified in R9-5-501, centers providing care for school-age children shall comply with the following:

1. When school-age children are present, their indoor activity area space shall be separated from space provided for infants and one-year-old children.
2. The center shall provide program activities which offer school-age children an opportunity to meet their individual developmental, educational, social and privacy needs. Program activities shall include:
 - a. Recreation;
 - b. Individual and group participation activities;
 - c. Activities to develop leadership skills and assume responsibility; and
 - d. Relaxation.
3. The program shall allow children to participate in activities on a free choice basis.
4. The center shall provide outdoor play activities appropriate for school-age children. Developmentally appropriate outdoor play equipment and open spaces for running and games shall also be provided.
5. The center shall assure that children attending school-age care programs are accompanied by center personnel to and from school, and at bus stops unless requirements of R9-5-308(E) are met.

R9-5-504. Supplemental Standards for 1-Year-Old and 2-Year-Old Children

In addition to complying with all child care standards, a licensee providing child care services for 1-year-old and 2-year-old children shall:

1. Ensure that a staff member does not permit a 1-year-old or 2-year-old child who is awake to spend more than 30 minutes of consecutive time in a crib, high chair, playpen, or other place of confinement;
2. Consult with each child's parent to develop a mutual plan for individual toilet training of the child and ensure that a staff member does not force toilet training on any child;
3. Ensure that each activity area has a supply of age-appropriate toys, materials, and equipment in a quantity sufficient to meet the needs of the children in attendance.
 - a. Toys, materials, and equipment include:
 - i. Books, including cloth books;
 - ii. Rubber or soft plastic balls;
 - iii. Puzzles and toys to enhance manipulative skills;

- iv. Blocks;
- v. Washable soft toys, stuffed animals, and dolls;
- vi. Musical instruments; and
- vii. Indoor and outdoor equipment to enhance large muscle development;

b. Toys, materials, and equipment are:

- i. Too large for a child to swallow; and
- ii. Free of sharp edges and points;

4. Ensure that:

- a. If finger food is served, the food is of a size and texture that does not present a choking hazard;
- b. A staff member serves food to a child in a high chair or at a table with a chair that allows the child to reach the food while sitting; and
- c. If a child is fed with a bottle, a staff member complies with the requirements set forth in R9-5-502(C)(4).

R9-5-505. Field trips

- A.** The center shall obtain written permission from the parent or guardian in advance of the child's participation in a field trip. The field trip permission notice shall provide details of the trip including the purpose of the field trip, time of departure and arrival at the center, and the address of the trip destination.
- B.** A written trip plan shall remain at the center which includes the following:
1. List of children and adults on the trip;
 2. Departure and return times;
 3. Vehicle license plate numbers;
 4. Name, address and, when possible, phone number of destination; and
 5. Information about any requirements for children to participate in the planned activity at the trip destination.
- C.** Records of emergency information for children participating in the field trip shall be taken on all field trips.
- D.** A list of children participating in the field trip shall be taken on the trip and also left at the center. Personnel on the field trip shall compare the list to children at the following times:
1. Boarding the vehicle at the beginning of the trip;
 2. Each hour at the trip's destination; and
 3. Boarding the vehicle to return to the center.
- E.** Sufficient water or appropriate drinks shall be available for the entire trip.
- F.** Each child shall have on his person, in plain view, the center's name, address and telephone number. The child's first and last name shall be placed inconspicuously on his person.
- G.** If volunteer vehicles are used for field trips, the center shall determine that each volunteer vehicle and driver comply with R9-5-522(1) and (2) before the trip begins.

R9-5-505. Supplemental Standards for 3-Year-Old, 4-Year-Old and 5-year-old Children

In addition to complying with all child care standards, a licensee providing child care services for 3-year-old, 4-year-old, and 5-year-old children shall provide a supply of age-appropriate toys, materials, and equipment in each activity area in a quantity sufficient to meet the needs of the children in attendance. Toys, materials, and equipment shall include:

1. Art supplies;
2. Blocks;
3. Books and posters;
4. Toys and dress-up clothes;
5. Indoor and outdoor equipment to enhance large muscle development.

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6. Puzzles and toys to enhance manipulative and categorization skills.
7. Science materials, and
8. Musical instruments.

R9-5-506. General equipment standards

A. Educational materials and equipment:

1. ~~Educational materials shall be available for all children. Such materials shall stimulate curiosity, offer social experiences, encourage cooperative play and develop physical coordination.~~
2. ~~Equipment, toys and materials of a variety in size and design appropriate to the children's developmental needs shall be provided for both indoor and outdoor activities and play.~~
3. ~~Each center shall have sufficient play materials and equipment so that at any one time, each child for which the center is licensed can be individually involved in the activities outlined in the lesson plan.~~
4. ~~All equipment, toys and materials shall be washable, maintained in a clean, safe and usable condition, and disinfected as necessary.~~

B. Sleeping materials and equipment:

1. ~~There shall be a separate cot, floor mat, or crib for each child who needs to nap or rest. Bunk beds are not permitted.~~
2. ~~Cots and cribs shall be of sound construction, shall be of sufficient size to comfortably accommodate the size and weight of the child, and shall be kept clean and in good repair.~~
3. ~~Mats shall be covered with waterproof material and used only in rooms where close contact with the floor will not present a draft or dust problem.~~
4. ~~Rugs, carpets, blankets and towels shall not be used as mats.~~
5. ~~Each cot or floor mat shall be completely covered with a clean sheet or similar covering which shall be laundered weekly, or more frequently as needed. Coverings shall always be freshly laundered before use by another child.~~
6. ~~A clean blanket shall be provided for each child.~~
7. ~~Where a private home is used as a center, beds used by family members shall not be used by a child in attendance at the center.~~

C. Other equipment:

1. ~~Highchairs shall be equipped with a safety strap and constructed so that the chair will not topple. The Department may waive the safety strap requirement if the design and construction of the chair is such that a safety strap is not needed. The tray or feeding surface shall be smooth, free of cracks, and shall be sanitized prior to each use.~~
2. ~~When a center is located in a multiple-use building, the center shall use and store cookware and serving tableware separately from all other building cooking supplies and food service equipment.~~

R9-5-506. Supplemental Standards for School-age Children

A. In addition to complying with all child care standards, a licensee providing child care services for school-age children shall:

1. Unless a child has permission from a parent for self-release from a facility as prescribed in R9-5-306(A)(4), require that a staff member accompany and supervise a child in a school-age program while en route to and from:

- a. The school attended by the child; or
- b. The bus stop used by the child. A staff member shall remain with the child at the bus stop until the child boards the bus; and

2. Require a staff member to supervise a school-age child while en route to and from a bathroom and allow the child privacy while in the bathroom. If a child remains in the bathroom for more than 3 minutes, the supervising staff member shall check on the child to ensure the child's safety.

B. A licensee shall separate an indoor activity area for school-age children from an indoor activity area provided for infants or 1-year-old children.

C. A licensee shall provide age-appropriate toys, materials, and equipment including:

1. Arts and crafts.
2. Games.
3. Puzzles and toys to enhance manipulative skills.
4. Books.
5. Science materials.
6. Sports equipment, and
7. Outdoor play equipment.

D. A licensee shall provide school-age children with a quiet study area.

R9-5-507. Supplemental equipment standards for infants

In addition to requirements specified in R9-5-506, centers providing infant care shall comply with the following:

1. A sturdy adult-size chair, preferably a rocking chair, shall be provided in the infant room for personnel to use when holding and feeding infants.
2. A crib of sturdy construction with bars spaced no more than 2 3/8 inches apart shall be available for each infant. Stacked cribs are not permitted.
3. Crib mattresses shall be completely and tightly covered with waterproof material. If plastic materials are used, they shall be durable and safe for children.
4. There shall be no restraining devices of any type used in cribs.
5. Each crib shall have clean, individual crib-size bedding, including sheets and a blanket which are in good repair.
6. Each crib and mattress shall be cleaned and bedding changed daily, or more often if necessary, and always upon a change of occupant.

R9-5-507. Supplemental Standards for Children with Special Needs

A. In addition to complying with all child care standards, a licensee providing child care services for a child with special needs shall:

1. Upon enrollment of a child with special needs, obtain from the child's parent a copy of an existing individualized plan for the child that can be reviewed, adopted, and followed by the licensee when providing child care services to the child. An individualized plan shall include the following as needed for the child:

- a. Medication schedule;
- b. Nutrition and feeding instructions;
- c. Qualifications required of a staff member who feeds the child;
- d. Medical equipment or adaptive devices;
- e. Medical emergency instructions;
- f. Toileting and personal hygiene instructions;
- g. Specific child care services to be provided to the child at the facility;

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- h. Information from health care providers, including the frequency and length of any prescribed medical treatment or therapy;
- i. Training required of a staff member to care for the child's special needs; and
- j. Participation in fire evacuation drills.
- 2. If a child with special needs does not have an existing individualized plan, obtain from the child's parent written instructions for providing services to the child until a written individualized plan containing the information in subsection (A)(1) is developed by a team consisting of staff members, the child's parent, and health care providers. An individualized plan shall be completed within 30 days of the child's enrollment;
- 3. Maintain a child's current individualized plan on facility premises and provide a copy to the child's parent; and
- 4. Ensure the individualized plan is updated at least every 12 months from the date of the initial plan or as changes occur.
- B. If a child with special needs who is 18 months of age or older and does not walk is placed in an infant group, a licensee may move the child to a 1-year-old group after a parent and the licensee determine that the proposed move is developmentally appropriate.
- C. A licensee shall ensure that a staff member does not prepare formula for tube-feeding a child. All formula for tube-feeding shall be commercially prepackaged in a ready-to-use state or brought by a parent to the facility in an unbreakable container. The feeding and clearing of a child's feeding apparatus shall be performed by a staff member instructed by a parent or individual designated by a parent.
- D. A licensee shall provide a child with special needs with:
 - 1. Developmentally appropriate toys, materials, and equipment; and
 - 2. Assistance from staff members to enable the child to participate in the activities of the facility.
- E. In addition to complying with the transportation requirements in R9-5-517, a licensee transporting a child with special needs in a wheelchair in a facility's motor vehicle shall ensure that:
 - 1. The child's wheelchair is secured in the motor vehicle using a minimum of 4 anchorages attached to the motor vehicle floor, and 4 securement devices, such as straps or webbing that have buckles and fasteners, that attach the wheelchair to the anchorages;
 - 2. The child is secured in the wheelchair by means of a wheelchair restraint that is a combination of pelvic and upper body belts intended to secure a passenger in a wheelchair; and
 - 3. The child's wheelchair is placed in a position in the motor vehicle that does not prevent access to the child in

the wheelchair or passage to the front and rear in the motor vehicle.

- F. A licensee providing child care services for a child who uses a wheelchair or is not able to walk shall locate the child on the ground floor of the facility.

R9-5-508. Supplemental equipment standards for one- and two-year-old children

In addition to requirements specified in R9-5-506, centers providing care for one- and two-year-old children shall comply with the following:

- 1. Age-appropriate materials and equipment shall include:
 - a. Books, including some cloth books;
 - b. Medium size rubber or soft plastic balls;
 - c. Manipulative toys;
 - d. Blocks and block accessories;
 - e. Washable soft toys, stuffed animals and dolls;
 - f. Large muscle equipment; and
 - g. Musical instruments.
- 2. Toys to be used by one- and two-year-old children, shall be durable, easily cleaned, movable, nontoxic, too large to swallow and have no sharp pieces, edges or points. Toys shall be inspected frequently and regularly to ensure they are not hazardous.
- 3. If cribs are used they shall comply with the requirements as listed in R9-5-507.

R9-5-508. General Nutrition Standards

- A. A licensee shall make the following meals available:

- 1. Breakfast to an enrolled child who is present at a facility before 8:00 a.m.,
- 2. Lunch to an enrolled child who is present at a facility between 11:00 a.m. and 1:00 p.m., and
- 3. Dinner to an enrolled child who is present between 5:00 p.m. and 7:00 p.m. and who will remain at the facility after 7:00 p.m.

- B. A licensee shall serve the following meals or snacks to an enrolled child present at a facility for the following periods of time:

- 1. If an enrolled child is present 2 to 4 hours, 1 or more snacks. If an enrolled child is present during any of the meal times stated in subsection (A), a meal that meets the meal pattern requirements in subsection (C);
- 2. If an enrolled child is present 4 to 8 hours, 1 or more snacks and a meal;
- 3. If an enrolled child is present 9 or more hours, 2 snacks and 1 or more meals; and
- 4. Before bedtime, 1 snack.

- C. If a licensee provides food, a licensee shall prepare and serve food according to the following meal pattern requirements:

**TABLE OF MEAL PATTERN REQUIREMENTS
FOR CHILDREN**

<u>Food Components</u>	<u>Ages 1 through 2 years</u>	<u>Ages 3 through 5 years</u>	<u>Ages 6 and Older</u>

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<u>Breakfast:</u> <u>1.Milk, fluid</u> <u>2.Vegetable, fruit, or full-strength juice</u> <u>3.Bread and bread alternates (whole grain or enriched):</u> <u>Bread</u> <u>or cornbread, rolls, muffins, or biscuits</u> <u>or cold dry cereal (volume or weight, whichever is less)</u> <u>or cooked cereal, pasta, noodle products, or cereal grains</u>	$\frac{1}{2}$ cup $\frac{1}{4}$ cup $\frac{1}{2}$ slice $\frac{1}{2}$ serving $\frac{1}{4}$ cup or $\frac{1}{2}$ oz $\frac{1}{4}$ cup	$\frac{3}{4}$ cup $\frac{1}{2}$ cup $\frac{1}{2}$ slice $\frac{1}{2}$ serving $\frac{1}{2}$ cup or $\frac{1}{2}$ oz $\frac{1}{4}$ cup	<u>1 cup</u> <u>$\frac{1}{2}$ cup</u> <u>1 slice</u> <u>1 serving</u> <u>$\frac{3}{4}$ cup or 1 oz</u> <u>$\frac{1}{2}$ cup</u>
<u>Lunch or Supper:</u> <u>1.Milk, fluid</u> <u>2.Vegetable and/or fruit (2 or more kinds)</u> <u>3.Bread and bread alternates (whole grain or enriched):</u> <u>Bread</u> <u>or cornbread, rolls, muffins, or biscuits</u> <u>or cooked cereal, pasta, noodle products, or cereal grains</u> <u>4.Meat or meat alternates:</u> <u>Lean meat, fish or poultry (edible portion as served)</u> <u>or cheese</u> <u>or egg</u> <u>or cooked dry beans or peas*</u> <u>or peanut butter, soy nut butter or other nut or seed butters</u> <u>or peanuts, soy nuts, tree nuts or seeds</u> <u>or an equivalent quantity of any combination of the above meat/meat alternates</u>	$\frac{1}{2}$ cup $\frac{1}{4}$ cup total $\frac{1}{2}$ slice $\frac{1}{2}$ serving $\frac{1}{4}$ cup 1 oz 1 oz 1 egg $\frac{1}{4}$ cup 1 tbsp** $\frac{1}{2}$ oz**	$\frac{3}{4}$ cup $\frac{1}{2}$ cup total $\frac{1}{2}$ slice $\frac{1}{2}$ serving $\frac{1}{4}$ cup $1\frac{1}{2}$ oz $1\frac{1}{2}$ oz 1 egg $\frac{3}{8}$ cup $1\frac{1}{2}$ tbsp** $\frac{3}{4}$ oz**	<u>1 cup</u> <u>$\frac{3}{4}$ cup total</u> <u>1 slice</u> <u>1 serving</u> <u>$\frac{1}{2}$ cup</u> <u>2 oz</u> <u>2 oz</u> <u>1 egg</u> <u>$\frac{1}{2}$ cup</u> <u>2 tbsp**</u> <u>1 oz**</u>
<u>Snack: (select 2 of these 4 components)***</u> <u>1.Milk, fluid</u> <u>2.Vegetable, fruit, or full-strength juice</u> <u>3.Bread and bread alternates (whole grain or enriched):</u> <u>Bread</u> <u>or cornbread, rolls, muffins, or biscuits</u> <u>or cold dry cereal (volume or weight, whichever is less)</u> <u>or cooked cereal, pasta, noodle products, or cereal grains</u> <u>4.Meat or meat alternates:</u> <u>Lean meat, fish or poultry (edible portion as served)</u> <u>or cheese</u> <u>or egg or yogurt</u> <u>or cooked dry beans or peas*</u> <u>or peanut butter, soy nut butter or other nut or seed butters</u> <u>or peanuts, soy nuts, tree nuts or seeds</u> <u>or an equivalent quantity of any combination of the above meat/meat alternates</u>	$\frac{1}{2}$ cup $\frac{1}{2}$ cup $\frac{1}{2}$ slice $\frac{1}{2}$ serving $\frac{1}{2}$ cup or $\frac{1}{2}$ oz $\frac{1}{4}$ cup $\frac{1}{2}$ oz $\frac{1}{2}$ oz $\frac{1}{2}$ egg or $\frac{1}{4}$ c $\frac{1}{8}$ cup 1 tbsp $\frac{1}{2}$ oz	$\frac{1}{2}$ cup $\frac{1}{2}$ cup $\frac{1}{2}$ slice $\frac{1}{2}$ serving $\frac{1}{2}$ cup or $\frac{1}{2}$ oz $\frac{1}{4}$ cup $\frac{1}{2}$ oz $\frac{1}{2}$ oz $\frac{1}{2}$ egg or $\frac{1}{4}$ c $\frac{1}{8}$ cup 1 tbsp $\frac{1}{2}$ oz	<u>1 cup</u> <u>$\frac{3}{4}$ cup</u> <u>1 slice</u> <u>1 serving</u> <u>$\frac{3}{4}$ cup or 1 oz</u> <u>$\frac{1}{2}$ cup</u> <u>1 oz</u> <u>1 oz</u> <u>1 egg or $\frac{1}{2}$ c</u> <u>$\frac{1}{4}$ cup</u> <u>2 tbsp</u> <u>1 oz</u>

* In the same meal service, dried beans or dried peas may be used as a meat alternate or as a vegetable; however, such use does not satisfy the requirement for both components.

** At lunch and supper, no more than 50 percent of the requirement shall be met with nuts, seeds or nut butters. Nuts, seeds or nut butters shall be combined with another meat/meat alternative to fulfill the requirement. Two tablespoons of nut butter or 1 ounce of nuts or seeds equals 1 ounce of meat.

*** Juice may not be served when milk is served as the only other component.

D. If a parent provides food for the parent's child, the licensee shall provide milk or juice to the child if not provided by the parent.

E. If a licensee plans and serves meals, the meals shall:

1. Meet the age-appropriate nutritional requirements of a child; and
2. For each calendar week, provide a variety of foods within each food group from the meal pattern requirements.

F. A licensee shall maintain at least 1 day's supply of food needed to serve meals and snacks as required by subsection (C) to each child attending the facility;

G. In addition to the required daily servings of food stated in subsection (C), a licensee shall make 2nd servings of food available to each child at meals and at snack time.

R9-5-509. Supplemental equipment standards for three-, four- and five-year-old children

In addition to requirements specified in R9-5-506, centers providing care for three-, four- and five-year-old children shall provide age-appropriate play materials and equipment including:

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1. Art supplies;
2. Blocks and block accessories;
3. Books and posters;
4. Dramatic play areas with toys and dress-up clothes;
5. Large muscle equipment;
6. Manipulative toys;
7. Science materials; and
8. Musical instruments.

R9-5-509. General Food Service and Food Handling Standards

- A.** A licensee that prepares or serves food to enrolled children on the facility premises shall comply with A.A.C. R9-8-111 through R9-8-135, local ordinances, and requirements of the local health department where the facility is located. If a licensee contracts with a food service establishment defined in A.A.C. R9-8-112(13), to prepare and deliver food to the facility, the licensee shall obtain and provide the Department with a copy of the food service establishment's permit, issued as prescribed by A.A.C. R9-8-119, at the following times:
1. Before the Department issues a license to the facility.
 2. Upon contracting with the food service establishment, and
 3. Every 12 months from the date the food service contract is entered into while the contract is in effect.
- B.** A licensee that stores, displays, transports, prepares, or serves food shall:
1. Protect food from contamination;
 2. Prohibit storage of food in a bathroom;
 3. Store perishable foods requiring cold storage in a refrigeration unit at temperatures that do not exceed 45°F or freezer at temperatures that do not exceed 0°F. Each refrigeration unit or freezer shall be fitted with a thermometer to measure the inside air temperature;
 4. Maintain perishable foods requiring hot storage at a temperature of at least 140°F, except during food preparation; and
 5. Provide a metal stem-type thermometer to measure the temperatures of foods.
- C.** A licensee shall ensure that a utensil, container, surface, or appliance used for eating, drinking, or food preparation is clean. All single-service articles as defined in A.A.C. R9-8-112(30) shall be disposed of after each use.
- D.** A licensee shall ensure that staff members wash their hands with antibacterial soap and running water before preparing or serving food or washing utensils.
- E.** When a licensee serves milk, vegetable juice, or fruit juice, the licensee shall ensure that the staff member:
1. Serves fresh milk from a commercially filled container and does not return an unused portion to a commercial container. This rule supersedes A.A.C. R9-8-132(E)(2);
 2. Does not substitute fresh milk with dry milk that has been reconstituted;
 3. Does not replace fresh milk with any other food in the meal pattern requirement; and
 4. Serves 100 percent full-strength fruit or vegetable juices.
- F.** A licensee shall require that each child:
1. Washes hands with antibacterial soap and running water before handling or eating food.
 - a. A staff member may use a washcloth to wash the hands of an infant or a child with special needs if indicated in the child's individualized plan; and
 - b. To reduce the transfer of bacteria, a washcloth shall be used only once for an infant or a child with special needs;

2. Is not served or permitted to eat directly off the floor or ground or with utensils placed directly on the floor or ground;
 3. Is encouraged but not forced by a staff member to eat foods served at a facility;
 4. Is assisted in eating when necessary; and
 5. Is taught self-feeding skills and habits of good nutrition.
- G.** Before the facility's 1st food service of the calendar week, a licensee shall ensure a dated menu specifying foods to be served on each day the facility is operating during the calendar week is posted in the facility.
1. If a licensee serves a substitution for a food specified on the posted menu, the substitution shall be noted on the posted menu before the facility's 1st food service of the day.
 2. A licensee shall maintain a menu on facility premises for 3 months from the date of the menu.
- H.** When a parent provides specific dietary instructions for a child, a licensee shall post the instructions in the kitchen and the child's activity area and serve the child foods as instructed.
- I.** A licensee shall not permit children in a kitchen during food preparation and food service except as part of an activity.
- J.** A licensee shall not allow a food preparation or food storage area to be used as a passageway by children.

R9-5-510. Supplemental equipment standards for school-age children

In addition to requirements specified in R9-5-506, centers providing care for school-age children shall provide age-appropriate play materials and equipment including:

1. Arts and crafts;
2. Games;
3. Sports equipment;
4. Books;
5. Science materials; and
6. Manipulative toys.

R9-5-510. Discipline and Guidance

- A.** A licensee shall ensure that a staff member:
1. Defines and maintains consistent, reasonable rules and limitations for a child's behavior and teaches, models, and encourages orderly conduct, personal control, and age-appropriate behavior;
 2. Explains to a child why a particular behavior is not allowed, suggests an alternative, and assists the child to become engaged in an alternative activity; and
 3. After determining that a child's behavior may result in harm to self or others, holds the child until the child regains control or composure.
- B.** A licensee shall ensure that a staff member does not use or permit:
1. A method of discipline that could cause harm to the health, safety, or welfare of a child;
 2. Corporal punishment;
 3. Discipline associated with:
 - a. Eating, napping, sleeping, or toileting;
 - b. Medication; or
 - c. Mechanical restraint; or
 4. Discipline administered to any child by another child.
- C.** A licensee may allow a staff member to separate a child from other children for unacceptable age-appropriate behavior.
1. The separation period shall be for no longer than 3 minutes after the child has regained control or composure.

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2. A staff member shall not allow a child to be separated for longer than 10 minutes without the staff member interacting with the child.

R9-5-511. General nutrition standards

- A.** The center shall serve foods which meet the following standards:
1. Age appropriate nutrition requirements;
 2. Provide a variety of foods served within each food group;
 3. Adhere to current dietary recommendations for sugar, salt and fat intake.
- B.** The center shall maintain a one-day supply of perishables and a three-day supply of staples to meet emergency situations.

- C.** The center shall be able to verify that quantities of food purchased, prepared, and served meet minimum nutritional requirements. The Federal Child Care Food Program production sheets or standardized recipes, menus, food receipts and purchasing logs, as well as on-site observation shall be used for verification.
- D.** Second servings of nutritious foods shall be made available to children over and above the required daily minimums if not contraindicated.
- E.** Minimum meal components and serving sizes to meet calorie and nutrient requirements for various ages of children, as established by the National Research Council Recommended Daily Allowances (RDA), shall be as prescribed in the following table:

TABLE OF MEAL PATTERN REQUIREMENTS FOR CHILDREN

Food Component	Ages 1-3	Ages 3-6	Ages 6-15
Breakfast			
1. Milk (fluid)	1/2 cup (4 oz)	3/4 cup (6 oz)	1 cup (8 oz)
2. Vegetables/fruits or — Juice (full strength)	1/4 cup 1/4 cup (2 oz)	1/2 cup 1/2 cup (4 oz)	1/2 cup 1/2 cup (4 oz)
3. Bread or biscuits, — Rolls, muffins, etc. or — Cold dry cereal or — Cooked cereal or grains or — Cooked pasta or — Noodle products	1/2 slice 1/2 serving 1/4 cup 1/4 cup 1/4 cup 1/4 cup	1/2 slice 1/2 serving 1/3 cup 1/4 cup 1/4 cup 1/4 cup	1 slice 1 serving 3/4 cup 1/2 cup 1/2 cup 1/2 cup
Lunch/Supper			
1. Milk (fluid)	1/2 cup (4 oz)	3/4 cup (6 oz)	1 cup (8 oz)
2. and 3. — Vegetable(s) and/or fruits — (from two sources) — Juice (full strength)	1/4 cup 1/4 cup (2 oz)	1/2 cup 1/2 cup (4 oz)	3/4 cup 1/2 cup (4 oz)
4. Bread or biscuits, — Rolls, muffins, etc. or — Cooked pasta or — Noodle products or — Cooked cereal or grains	1/2 slice 1/2 serving 1/4 cup 1/4 cup	1/2 slice 1/2 serving 1/4 cup 1/4 cup	1 slice 1 serving 1/2 cup 1/2 cup
5. Meat (lean) or — Poultry or fish or — Eggs or — Cooked dry beans, peas — Lentils or — Peanut butter or — Cheese	1 oz 1 oz 1/4 cup 2 T 1 oz	1 1/2 oz 1 1/2 oz 3/8 cup 3 T 1 1/2 oz	2 oz 2 oz 1/2 cup 4 T 2 oz
Snacks			
Select 2 of the following 4 components			
1. Milk (fluid)	1/2 cup (4 oz)	1/2 cup (4 oz)	1 cup (8 oz)
2. Vegetables/fruits or — Juice (full strength) — (except with milk)	1/2 cup 1/2 cup (4 oz)	1/2 cup 1/2 cup (4 oz)	3/4 cup 3/4 cup (6 oz)
3. Bread or biscuits, — Rolls, muffins, etc. or — Cold dry cereal or — Cooked cereal or grains or — Cooked pasta or — Noodle products or	1/2 slice 1/2 serving 1/4 cup 1/4 cup 1/4 cup 1/4 cup	1/2 slice 1/2 serving 1/3 cup 1/4 cup 1/4 cup 1/4 cup	1 slice 1 serving 3/4 cup 1/2 cup 1/2 cup 1/2 cup

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4.—Meat (lean) or	1/2-oz	1/2-oz	1-oz
—Poultry or fish or	1/2-oz	1/2-oz	1-oz
—Cheese or	1/2-oz	1/2-oz	1-oz
—Eggs or	1/2-egg	1/2-egg	1-egg
—Cooked dry beans, peas			
—Lentils or	1/8-cup	1/8-cup	1/4-cup
—Peanut butter or	1-T	1-T	2-T
—Peanuts	1/3-cup	1/3-cup	2/3-cup

R9-5-511. Sleeping Materials and Equipment

- A.** A licensee shall provide each child who naps or sleeps at the facility with a separate cot, mat, or a crib that meets the requirements of R9-5-502(A)(8) and ensure that:
1. A cot, mat, or crib used by a child accommodates the child's height and weight;
 2. A staff member covers each cot, crib mattress, or mat with a clean sheet that is laundered when soiled, or at least once every 7 days and before use by a different child;
 3. A clean blanket or sheet is available for each child;
 4. A rug, carpet, blanket, or towel is not used as a mat; and
 5. Each cot, mat, or crib is maintained in a clean and repaired condition.
- B.** A licensee shall not use bunk beds or waterbed mattresses.
- C.** A licensee shall provide an unobstructed passageway at least 18 inches wide between each row of cots, or mats to allow a staff member access to each child.
- D.** A licensee shall ensure that cribs, cots, and mats do not obstruct access to designated exits.

R9-5-512. General food service and food handling standards

- A.** Food service and handling shall be conducted pursuant to all applicable state and local statutes, rules and ordinances.
- B.** Children and staff shall wash hands with soap and running water before handling or eating food. Washcloth handwashing shall be restricted to infants and children with special needs to reduce the transfer of bacteria.
- C.** Children shall not be allowed to eat directly off floor or ground.
- D.** Children shall be encouraged but not forced to eat.
- E.** Children shall be given necessary assistance in feeding, and taught self-feeding skills and good nutrition habits.
- F.** The child's parents or guardian shall be notified when a child consistently refuses to eat or exhibits unusual eating behavior.
- G.** Meals provided by the center or individual sack lunches provided by the parents or guardian shall be given to the child at customary meal times.
- H.** The center shall not serve the same menu twice in the same day.
- I.** Fresh milk may be served directly from the original commercially filled container. Unused portions of individual servings shall not be returned to the original container or stored for future consumption.
- J.** Reconstituted dry milk does not meet the fluid milk meal pattern requirement and shall not be substituted for fresh milk.
- K.** Foods shall be prepared as close to serving time as possible to protect children and personnel from food-borne illnesses.
- L.** Foods shall be prepared in a manner to maintain nutrients, proper temperature, flavor, texture and appearance.
- M.** Perishable foods in sack lunches shall be stored at proper temperatures (45° maximum) in a refrigerator until mealtime.

- N.** If not provided when a sack lunch is brought from home, the center shall serve milk, or full strength vegetable or fruit juice to children at scheduled meal times.
- O.** Juices served to children for meals and snacks shall be full strength vegetable or fruit juices from a can, carton or concentrate. Imitation powdered, syrup, or concentrated drinks, aides or punches shall not be used in place of full strength juices.
- P.** Menus shall specify foods to be served and shall be planned at least one week in advance, dated and posted in the center's entrance area on the last working day prior to the menu week.
- Q.** Menu substitutions shall be written on the posted menu no later than the morning of the meal service.
- R.** When a child requires a modified diet prescribed by the parent, guardian or physician, the center shall inform personnel of the diet restrictions and serve food that complies with the prescribed dietary regimen.
- S.** Children shall receive the following meals or snacks when at the center for the time periods specified below:
1. Two to four hours: one or more snacks, unless the child is at the center during a regular meal time, in which case the child shall be served the appropriate meal outlined in these rules.
 2. Four to eight hours: a meal and one or more snacks.
 3. Nine or more hours: two snacks and one or two appropriate meals.
 4. A snack shall be made available before bedtime.
 5. Breakfast shall be available to children who are scheduled to be in attendance at the center before 8:00 am.
 6. Lunch shall be available to children who are at the center between 11:00 am. and 1:00 pm.
 7. Dinner shall be available to children in centers licensed for evening care who are at the center between 5:00 pm and 7:00 pm.

R9-5-512. Cleaning and Sanitation

- A.** A licensee shall maintain facility premises free of insects and vermin.
- B.** A licensee shall maintain facility premises and furnishings in a clean condition and free from odor.
1. Floor coverings, such as carpeting, tile, linoleum, or wood shall be clean, washable, and free from cracks, chips, gaps, rips, dampness, or odors.
 2. A licensee shall ensure that toilet bowls, lavatory fixtures, and floors in toilet rooms and kitchens are cleaned and sanitized as often as necessary to maintain them in a clean and sanitized condition or at least once every 24 hours.
- C.** If laundry belonging to a facility is done on facility premises, a licensee shall:
1. Not use a kitchen or food storage area for sorting, handling, washing, or drying laundry;
 2. Locate the laundry equipment in an area that is separate from licensed activity areas and inaccessible to enrolled children;

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3. Not permit a child to be in a laundry room or use a laundry area as a passageway for enrolled children; and
4. Ensure that laundry soiled by vomitus, urine, feces, blood, or other body fluid is stored, cleaned, and sanitized separately from other laundry.

D. A licensee shall ensure that:

1. Each toilet room in a facility contains, within easy reach of children:
 - a. Mounted toilet tissue;
 - b. A sink with running water;
 - c. Antibacterial soap contained in a dispenser; and
 - d. Disposable, single-use paper towels in a mounted dispenser, or a mechanical air hand dryer;
2. Staff members wash their hands with antibacterial soap and running water after toileting;
3. A child's hands are washed with antibacterial soap and running water after toileting;
4. Food waste is stored in a container with a tight fitting lid.
 - a. The container is clean and lined with a plastic bag.
 - b. Food waste and other refuse is removed from the facility building at least once every 24 hours or more often as necessary to maintain a clean condition and avoid odors; and
5. A staff member does not draw water for human consumption from a toilet room hand washing sink.

R9-5-513. Supplemental food service and food handling standards for infants

In addition to requirements specified in R9-5-512, centers providing infant care shall comply with the following:

1. Formulas may be provided by the infant's parents or guardian, or by the center. If prepared by the center, formulas shall be prepared and stored in accordance with written instructions provided by the infant's parents, guardian or physician and according to state statutes and state and local rules or ordinances governing the preparation of all foods.
2. Each infant's parents or guardian shall supply written instructions to the center on the types of foods to be fed to the infant which shall be updated regularly as new foods are added or other dietary changes are made. Instructions shall be posted for staff reference.
3. The center shall meet the following requirements for feeding infants:
 - a. Center personnel shall hold and feed infants under six months of age or older children who cannot hold their own bottle.
 - b. Bottles shall never be propped.
 - c. Bottles shall be removed from cribs and beds after the child has fallen asleep.
 - d. Children shall not have bottles while on the floor.
 - e. Each child's bottle shall be individually labeled.
 - f. Bottles, nipples and bottle covers shall be sterilized prior to reuse. Used bottles shall be removed, emptied, and rinsed promptly.
 - g. Cereal shall not be mixed with formula and fed to an infant from a bottle.
4. As soon as infants are of sufficient age, they shall be spoon fed from individual spoons and containers and shall be encouraged to feed themselves as soon as this desire is exhibited.

R9-5-513. Pets and Animals

- A. A licensee shall maintain written documentation of current immunization against rabies for each dog or cat owned by a licensee or staff member that is present on facility premises.
- B. A licensee shall ensure that child care personnel:
 1. Keep all pet and animal habitats clean;
 2. Prohibit reptiles such as turtles, iguanas, snakes, and lizards in the facility;
 3. Prohibit birds in food preparation and eating areas;
 4. Control pets and animals to maintain the cleanliness of the facility and prevent the pets and animals from endangering a child, staff member, or other individual on the premises; and
 5. Keep birds and animals such as horses, sheep, cattle, and poultry in an enclosure that is not accessible to enrolled children except as part of an activity.

R9-5-514. Supplemental food service and food handling standards for one and two year old children

In addition to requirements specified in R9-5-512, centers providing care for one and two year old children shall comply with the following:

1. Centers shall meet requirements as specified in R9-5-513 for children who require formula or bottle feeding.
2. The child shall sit in a chair at a table of appropriate size during feeding as soon as the child is able to do so.
3. Foods which can be eaten with the fingers shall be included in the daily menus to encourage children to feed themselves.

R9-5-514. Accident and Emergency Procedures

- A. A licensee shall maintain a first aid kit accessible to staff members but inaccessible to children. The kit shall contain first aid supplies in a quantity sufficient to meet the needs of the enrolled children and include the following:
 1. Adhesive band-aids of assorted sizes.
 2. Antiseptic solution or sealed antiseptic wipes.
 3. Sterile bandages.
 4. Sterile gauze pads.
 5. A pair of scissors.
 6. Adhesive tape.
 7. Disposable latex gloves, and
 8. Reclosable plastic bags of at least 1-gallon size.
- B. A licensee shall prepare a written accident, evacuation, and emergency plan and maintain the plan on facility premises in a location accessible to staff members and update the plan every 12 months from the date of initial preparation or when any information changes. The plan shall contain:
 1. The location of the first aid kit;
 2. The names of staff members who have the first aid training required by R9-5-403(E);
 3. The names of staff members who have the CPR training required by R9-5-403(E);
 4. The directions for verbal notification of a parent by telephone or other equally expeditious means within 30 minutes of an accident or emergency, and directions for written notification to the parent within 24 hours; and
 5. The facility's street address and the emergency telephone numbers for the local fire department, police department, ambulance service, and poison control center.
- C. A licensee shall post, near an activity area or a room's designated exit, a building evacuation plan that details the designated exits from the activity area or room and the facility.

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D. A licensee shall maintain a communication system that consists of:

1. A direct-access, in-and-out, operating telephone service on the facility; or
2. A 2-way voice communication system that connects the facility with an individual who has direct access to an in-and-out, operating telephone service.

E. A licensee shall post the accident, evacuation, and emergency plan required in subsection (B) in any facility activity area that does not have an operable telephone service or 2-way voice communication system.

R9-5-515. Supplemental care standards for special children

In addition to the general program and equipment requirements specified in Article 5 and the general activity space requirements in Article 6, centers providing care for special children shall comply with the following:

1. Centers may enroll special children when the following conditions are met prior to the child's attendance:
 - a. In-service training or consultation is provided to enhance the ability center personnel to meet the individual needs of enrolled special children.
 - b. Appropriate activities are developed and equipment substitutions are available or necessary activity and equipment adaptations are made.
 - c. Appropriate physical plant modifications are made to accommodate the individual needs of special children.
 - d. Personnel/child ratios are established which allow each special child to receive specialized services and care required for their needs and which are approved by the Department.
2. At the parent conference, upon enrollment of the child, specialized support needs shall be documented:
 - a. Parents and staff shall jointly determine any special personnel/child ratios, personnel training or consultation, and equipment that will be necessary.
 - b. Personnel shall be familiar with appropriate community resource referral services and refer parents to them, if appropriate.
 - c. When determining the placement of a special child within a group of children, center personnel and the child's parents shall consider the developmental, physical, emotional, and chronological age of the child. Any assessments of the child's individual needs that have been used to determine placement and the rationale for placement shall be documented in the child's file.
3. Special children shall be integrated into the daily activities of the center whenever possible within the least restrictive environment that meets the individual needs of special children in attendance.
4. A diaper changing area shall be provided in centers that regularly care for special children who require diapering.

R9-5-515. Illness and Infestation

A. A licensee shall not permit a child to remain at the facility if a staff member determines that a child shows signs of illness or infestation.

B. If a child exhibits signs of illness or infestation at a facility, a licensee shall ensure that a staff member:

1. Immediately separates the child from other children,

2. Immediately notifies the child's parent by telephone or other expeditious means to arrange for the child's removal from the facility, and

3. Keeps a written record of notification on facility premises for 3 months from the date of notification.

C. A licensee shall ensure that a staff member who has signs of illness or infestation is excluded from a facility. A facility director shall not permit a staff member to return to a facility until free from signs of illness or infestation, or until the staff member provides written documentation by a health care provider that the individual may return to a facility.

D. If a staff member or enrolled child contracts a communicable disease or infestation as stated in A.A.C. R9-6-202(C), a licensee shall ensure that, within 24 hours of notice of the communicable disease or infestation, written notice is provided to each staff member, parent, and the local health department. A licensee shall ensure that:

1. A dated, written notice of the communicable disease or infestation is prepared and posted in the facility's entrance as required by R9-5-303;
2. A written record of the notification is maintained on facility premises for 12 months from the date of notification; and
3. A written record of the absences of staff members and children due to a communicable disease or infestation stated in A.A.C. R9-6-202(C) is prepared and maintained on facility premises for 12 months from the first date of absence.

R9-5-516. Supplemental evening and nighttime care standards

A. In addition to the general program and equipment requirements specified in Article 5 and the general activity space requirements in Article 6, centers providing evening and nighttime care shall comply with the following:

1. The center shall provide a variety of activities after dinner and before bedtime which meet each child's recreational, rest or sleep needs.
2. The center shall provide each infant with a crib which meets the requirements of R9-5-507 and each child with a comfortable bed, consisting, at a minimum, of a sturdy cot and clean bedding.

B. The center shall obtain and follow written instructions from the parent or guardian for the child's bathing, toileting and personal grooming.

C. If children are bathed at the center, the bathtub shall be sanitized between uses.

D. Staff members on evening or night duty shall remain awake at all times and shall be in the immediate vicinity of sleeping children.

R9-5-516. Medications

A. A licensee shall ensure that a written statement is prepared and maintained on facility premises that specifies whether prescription or nonprescription medications are administered to enrolled children. If prescription or nonprescription medications are administered, the written statement shall contain provisions explaining that:

1. A facility director, or a staff member designated in writing by the facility director, is responsible for the administration of all medications in the facility, including storing, supervising a child's ingestion of a medication, and recording all medications administered to a child. A facility director shall ensure that only 1 staff member in the facility at any given time is responsible for the administration of medications;

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2. A facility director, or a staff member designated in writing by the facility director, shall not permit the administration of a medication to a child unless the facility receives written authorization signed by the child's parent or health care provider that includes the:
 - a. First and last name of the child;
 - b. Name of the medication;
 - c. Prescription number, if any;
 - d. Instructions for administration specifying the:
 - i. Dosage and route of administration;
 - ii. If indicated, starting and ending dates of the dosage period; and
 - iii. Times and frequency of administration;
 - e. Reason for the medication; and
 - f. Date of authorization; and
 3. A staff member shall:
 - a. Administer a prescription medication provided by a parent only from a container dispensed by a pharmacy;
 - b. Administer a nonprescription medication provided by a parent for a child only from a container pre-packaged and labeled for use by the manufacturer and labeled with the child's name; and
 - c. Not administer any medication that has been transferred from one container to another.
- B.** A licensee shall allow a child to receive an injection only after obtaining a written authorization from a physician. Only those health care providers authorized by state law to give injections are permitted to give injections to an enrolled child. A licensee shall maintain the physician's written injection authorization on facility premises for 12 months from the date of the authorization.
- C.** A licensee shall maintain a written record of all medications administered to an enrolled child.
 1. The record shall contain:
 - a. The 1st and last name of the child;
 - b. The name and amount of medication administered and the prescription number, if any;
 - c. The date and time the medication was administered; and
 - d. The signature of the staff member who administered the medication to the child.
 2. A licensee shall maintain the record on facility premises for 12 months from the date the medication is administered.
- D.** A licensee shall return all unused prescription and nonprescription medications to a parent when the medication prescription date has expired or the medication is no longer being administered to the child or dispose of the medication if unable to locate the child's parent after the child's disenrollment.
- E.** A licensee shall ensure that prescription and nonprescription medications are stored as follows:
 1. A child's medication is kept in a locked, leakproof storage cabinet or container that is used only for storing children's medications and is located out of reach of children;
 2. Medication for a staff member is kept in a locked, leakproof storage cabinet or container that is separate from the storage container for children's medications and is located out of reach of children; and
 3. Medications requiring refrigeration are kept in a locked, leakproof container in a refrigerator.

- E.** A licensee shall ensure that a facility does not stock a supply of medications for administration to enrolled children, including:

1. Any prescription medication; or
2. A nonprescription medication such as aspirin, acetaminophen, ibuprofen, or cough syrup.

R9-5-517. Pets

The center director shall be responsible for the behavior and cleanliness of pets or animals allowed on the premises:

1. All dogs and cats on the premises shall be immunized against rabies.
2. Pets shall be controlled to assure that proper sanitation of the premises is maintained, and to assure that the animals are not a hazard to children, staff or visitors at the center.

R9-5-517. Transportation

- A.** A licensee providing transportation to enrolled children in a motor vehicle that the licensee owns or acquires for use by contract shall:

1. Ensure that the motor vehicle is registered by the Arizona Department of Transportation as required by A.R.S. § 28-2051 et seq.;
2. Ensure that the facility possesses current insurance coverage for the motor vehicle as required by A.R.S. § 28-4131 et seq. The licensee shall maintain proof of current motor vehicle insurance coverage on facility premises and inside each motor vehicle used for transporting enrolled children;
3. Notify the Department by telephone or other equally expeditious means within 24 hours of a motor vehicle accident that occurs while transporting children;
4. Submit a written report to the Department within 7 days of a motor vehicle accident that occurs while transporting children;
5. Not permit an enrolled child to be transported in a truck bed, camper, or trailer attached to a motor vehicle;
6. When transporting enrolled children, use a child passenger restraint system, as required by A.R.S. § 28-907, for each child who is 4 years of age or younger, or who weighs 40 pounds or less;
7. When transporting enrolled children, use an adjustable lap belt or an integrated lap and shoulder belt for each child who is over 4 years of age or who weighs over 40 pounds. A public or private school transporting an enrolled child in a commercial motor vehicle, defined in A.R.S. § 28-1301(1), is exempt from this provision;
8. Equip a motor vehicle used to transport enrolled children with:
 - a. A working mechanical heating system capable of maintaining a temperature throughout the motor vehicle of at least 60° F. when outside air temperatures are below 60° F.;
 - b. A working air-conditioning system capable of maintaining a temperature throughout the motor vehicle at or below 86° F. when outside air temperatures are above 86° F. A public or private school transporting an enrolled child in a commercial motor vehicle, as defined in A.R.S. § 28-1301(1), is exempt from this provision;
 - c. A first aid kit that meets the requirements of R9-5-514(A) and 2 towels or blankets;
 - d. Water sufficient for the needs of each enrolled child in the motor vehicle;

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2. Maintain a motor vehicle being used to transport enrolled children in a clean condition;
 10. Maintain a motor vehicle being used to transport enrolled children in a mechanically safe condition; and
 11. Maintain the service and repair records of all motor vehicles that are owned or leased by a licensee for the transportation of enrolled children as follows:
 - a. A person operating a single child care facility shall maintain the records for 12 months from the date of an inspection or repair in a single location on facility premises.
 - b. A public or private school that uses a school bus as defined in A.R.S. § 28-101 (41) shall maintain records for the school bus as provided in A.A.C. R17-9-108(F).
 - c. A school governing board, a charter school, or a person operating multiple child care facilities shall maintain the records for any motor vehicle other than a school bus for 12 months from the date of an inspection or repair in a single administrative office located in the same city, town, or school attendance area as the facility.
- B.** A licensee shall ensure that an individual who drives a motor vehicle used to transport enrolled children:
1. Is 18 years of age or older. If the motor vehicle driver is a staff member, the staff member shall be a teacher-car-giver;
 2. Holds a valid driver's license issued by the Arizona Department of Motor Vehicles as prescribed by A.R.S. § 28-3151 et seq.;
 3. Carries in the vehicle a list stating the name of each enrolled child being transported and a copy of each child's Emergency, Information, and Immunization Record card;
 4. Requires that each door be locked before a motor vehicle is set in motion and remain locked while the motor vehicle is in motion;
 5. Requires that each enrolled child remains seated and entirely inside a motor vehicle while the motor vehicle is in motion;
 6. Requires that each enrolled child is secured in a seat belt before and while a motor vehicle is in motion. A public or private school transporting an enrolled child in a commercial motor vehicle, defined in A.R.S. § 28-1301(1), is exempt from this provision;
 7. Does not permit an enrolled child in a motor vehicle to open or close a motor vehicle door or window;
 8. Sets the emergency parking brake and removes the ignition keys from the motor vehicle before exiting the motor vehicle;
 9. Ensures that enrolled children are loaded on to or unloaded from a motor vehicle away from moving traffic at curbside, in a driveway, parking lot or other location designated for this purpose; and
 10. Does not use audio headphones or a car telephone while a motor vehicle is in motion.
- R9-5-518. Discipline and guidance**
- A.** Acceptable discipline and guidance techniques:
1. Center personnel shall use discipline to teach children acceptable behavior and inner controls, not as punishment or retribution.
 2. Center personnel shall consider the child's age, intellectual development, emotional make-up and past experience when disciplining the child.
 3. Center personnel shall define and maintain consistent, reasonable rules and limits for children and shall model and encourage appropriate behavior.
 4. Center personnel, whenever possible, shall explain to a child why the particular behavior is not allowed, suggest an alternative, and then assist the child to become engaged in activities in an acceptable way.
 5. If a child's behavior may result in self-harm or harm to others, center personnel shall hold the child firmly until the child regains control or composure.
 6. When a child is isolated from other children for unacceptable behavior, the isolation period shall not be longer than three minutes after the child regains control or composure but under no circumstances longer than ten minutes without personnel/child interaction using methods described in this subsection.
- B.** Unacceptable discipline and guidance techniques:
1. Disciplinary methods shall not be detrimental to the health or emotional needs of the child. Personnel shall not humiliate or frighten a child, or use corporal punishment and shall not permit other personnel to do so.
 2. Discipline shall not be associated with eating, napping or toileting.
 3. Medications or mechanical restraints and devices shall not be used to discipline children.
 4. Children shall not be allowed to discipline other children.
- R9-5-518. Field Trips**
- A.** A licensee providing a field trip for a child shall:
1. Obtain written permission from a parent before a child participates in a field trip. A field trip permission slip shall include:
 - a. The date and purpose of the field trip;
 - b. The times of departure from and return to the facility; and
 - c. The name, street address, and telephone number, if any, of the field trip destination;
 2. Prepare a written field trip plan that is maintained on facility premises and includes the following:
 - a. The name of each participating child, staff member, and other individuals on the field trip;
 - b. The times of departure from and return to the facility;
 - c. The license plate number of any motor vehicle used on the field trip; and
 - d. The name, street address, and telephone number, if any, of the field trip destination; and
 3. Maintain the field trip permission forms and field trip plan on facility premises for 3 months from the date of a field trip.
- B.** A licensee shall ensure that a staff member taking enrolled children on a field trip carries the following on the trip:
1. A copy of the Emergency, Information, and Immunization Record card of each child participating in the field trip;
 2. A list stating the name of each participating child. A staff member shall ensure that each child on the list is present at all times and place a checkmark next to the name of each child present at the following times:
 - a. At the beginning of the field trip or when boarding the motor vehicle.
 - b. Upon arrival and each hour while at the field trip destination.

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- c. When preparing to leave the field trip destination or when boarding the motor vehicle to return to the facility, and
- d. When reentering the facility at the conclusion of the field trip; and
- 3. Water in an amount sufficient for each participating child during the field trip.

- C. A licensee shall ensure that each child participating in a field trip is wearing in plain view a written identification stating the facility's name, address, and telephone number. A licensee shall also ensure that each child is wearing out of view a written identification stating the child's first and last names.
- D. If a licensee uses a motor vehicle volunteered by a parent or other individual for a field trip, a licensee shall determine before the field trip begins that the motor vehicle is in compliance with R9-5-517(A)(1) and (2) and that the motor vehicle driver is in compliance with R9-5-517(B)(1) and (2).

R9-5-519. Illness and infestation care

- A. Each child shall be observed by center personnel for signs of illness or infestation upon entering a center transport vehicle or the center.
- B. The center shall not accept or allow a child to remain at the center if the child shows symptoms of inflammation, fever, rash, diarrhea, vomiting, pinworms, lice or is suspected of having a contagious or infectious disease or infestation.
- C. If the child develops symptoms of illness or infestation while at the center, personnel shall isolate the child from others and notify the child's parent or guardian immediately to arrange for prompt removal of the child.
- D. The center shall notify parents in writing if their child has been exposed to a contagious disease or infestation immediately upon discovery of exposure. In addition, the center shall notify the local health department of all reportable diseases.
- E. Each center shall provide every parent with written instructions of how to inform the center of a child's absence due to potentially infectious illnesses.
- F. A log of absences due to reportable communicable illness and infestation pursuant to R9-6-114(A) shall be maintained by the center and retained for two years in order to determine consistent patterns of illness or infestation at the center.

R9-5-520. Emergency medical care

- A. The center shall immediately notify the child's parents, guardian or the person specified by the parent to be notified in case of an emergency, in the event of any serious injury to the child that requires medical attention.
- B. A first aid kit, approved by the Department, shall be kept in the center and accessible to all personnel but out of reach of children. The first aid kit shall contain at a minimum:
 - 1. Band-aids;
 - 2. Antiseptic solution;
 - 3. Sterile bandages;
 - 4. Scissors;
 - 5. Medical tape;
 - 6. Cotton swabs; and
 - 7. Syrup of Ipecac with expiration limits.

R9-5-521. Medications

- A. Centers shall develop a medication policy and notify parents or guardians of the policy.
- B. If medications are administered, the center shall develop procedures which, at a minimum, adhere to the following:
 - 1. The center director, or a staff member designated in writing by the center director, shall be responsible for administration of medication including the storage, recordkeeping, handling and overseeing the child's

ingestion of medication. Only one staff member in the center at any given time shall be responsible for administration of medications.

- 2. Staff shall not administer medications to a child without specific written authorization from the child's physician, parent or guardian which contains at least the following information:
 - a. The name of the child;
 - b. The name and, if any, the prescription number of the medication to be given;
 - c. Specific instructions for administering the medication including the dosage, the dates and time of day medication is to be given;
 - d. Reason the medication is being given;
 - e. Signature of physician, parent or guardian; and
 - f. Date of authorization.
- 3. Injections shall only be dispensed by appropriately licensed persons.
- 4. The center shall maintain a record of all medications administered to children by the center staff. The record shall contain the following information:
 - a. The name of the child;
 - b. The name and, if any, the prescription number of the medication;
 - c. The date and time of day the medication is administered; and
 - d. The signature of the designated staff member who administered the medication.
- 5. Center staff shall only administer medications that are provided by the parent or guardian in the original, labeled container and labeled with the child's full name.
- 6. Medicines which are no longer to be administered shall be returned to the child's parent or guardian immediately.
- 7. All prescription and nonprescription medications shall be kept in a locked storage cabinet or container which is located out of the reach of children.
- 8. Medications requiring refrigeration shall be kept in a locked, leakproof container in the refrigerator.
- 9. The center shall not keep stock supplies of any preservation or nonprescription medication for internal use, including aspirin.
- C. Medication records shall be maintained for three years and available for immediate inspection by the Department. Current records shall be kept on the center premises for one year.

R9-5-522. Transportation

If the center provides vehicular transportation directly or through a contract, the following requirements shall be met:

- 1. Vehicle and driver requirements:
 - a. The vehicle shall be maintained in a mechanically safe condition.
 - b. The vehicle driver shall be 18 years of age or older, hold a current Arizona chauffeur's license and a current first aid certificate, or if not paid for services, a valid driver's license.
 - c. Children shall not be transported in vehicles which are not constructed for the purpose of transporting people such as truck beds, campers or any trailered attachment to a motor vehicle.
 - d. All children shall be seated on seats which are securely fastened to the body of the vehicle and which provide sufficient space for the child's body.
 - e. Seat belts or child restraint devices shall be required for all children who are 25 months old or older when they are transported in a vehicle which

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- weighs under 10,000 pounds gross volume weight (GVW). All children 24 months of age or younger shall be transported in Department approved child restraint devices which are anchored to the vehicle.
- f. No adult or child shall stand or sit on the floor while vehicle is in motion.
 - g. Vehicles used to transport children shall have adequate heating and air conditioning.
 - h. A first aid kit which meets requirements specified in R9-5-520(B), and two large, clean towels or blankets shall be maintained in each vehicle.
 - i. Centers shall maintain on file records of all services and repairs for center owned or leased vehicles for as long as the vehicle is used by the center.
2. Transport insurance requirements:
- a. The center or its contractor, shall obtain and maintain motor vehicle insurance coverage in accordance with A.R.S. § 28-1102 et seq., Uniform Motor Vehicle Safety Responsibility Act, and R9-5-302.
 - b. Proof of insurance shall be kept in the center and in each insured vehicle.
3. Transport safety requirements:
- a. A copy of each child's emergency medical care authorization shall be present in the vehicle transporting that child.
 - b. The center shall notify the Department within one working day of any traffic accident involving children being transported by the center and submit a written accident report to the Department within five working days on Department approved report forms.
 - c. Children shall not be allowed to open or close doors of vehicles.
 - d. Headphones or earphones shall not be worn by the driver of a vehicle transporting children.
 - e. The center shall provide a safe vehicle loading and unloading area for children which is located in an area away from moving traffic and hazardous obstructions.
 - f. When away from the center, the vehicle shall be parked at curbside whenever possible to load and unload children. When not possible, an adult shall find or make a safe path for children to enter or exit the vehicle prior to loading and unloading.
 - g. The vehicle driver shall remove the keys from the vehicle and set the emergency brake before exiting the vehicle.
 - h. Vehicle doors shall remain locked at all times when the vehicle is in motion.
 - i. A child shall not be left unattended in a vehicle.
 - j. An accurate list of all children in transport shall be available in the vehicle.

ARTICLE 6. CENTER ACTIVITY AREAS AND PHYSICAL PLANT OF A FACILITY STANDARDS

R9-5-601. Outside play areas

- A. At least 75 square feet shall be available for each child occupying the outside play area at any time. To allow all children scheduled access, the outside play area shall contain the minimum of 75 square feet per child for at least 50% of the center's licensed capacity.
- B. The area shall be contiguous with the center or easily accessible without the need to cross streets or highways.

- C. The outside play area shall be free of hazards and shall be totally fenced with a minimum 4-foot high secure fence.
- D. Gates to the play area shall be kept closed at all times.
- E. The outside play area shall have a nonhazardous play surface. Asphalt, unpadded indoor/outdoor carpeting and astroturf over asphalt shall not be used under swings and play equipment where children may fall. A hard surfaced area may be provided for wheeled play vehicles.
- F. Shaded areas shall be provided to accommodate the children who are occupying the outside play area at any time.
- G. Outside structures and play equipment shall be well maintained and shall be arranged to minimize hazard from conflicting activities.
- H. After school programs which are operated in an elementary or secondary public, private or parochial school, and serve only school age children shall be required to meet fencing requirements of the school where the program is located. If the outdoor play area fencing does not ensure the safety of children, the requirements of R9-5-601(C) shall be imposed.
- I. Any construction or equipment which constitutes a potential safety hazard shall be adequately fenced off or enclosed.
- J. An outside play area shall not be required if no child attends the center more than four hours per day and at least 50 square feet of indoor activity space is available for each child.

R9-5-601. General Physical Plant Standards

- A. A facility licensed or a licensed facility modified after the effective date of these rules shall conform to the following:
 - 1. Local building and fire codes.
 - 2. Local zoning requirements, and
 - 3. The requirements of A.R.S. § 36-881 et seq. and these rules.
- B. A facility licensed before the effective date of these rules shall meet the requirements of the local building and fire codes in existence on the date of licensing and any locally required amendments to the building and fire codes.
- C. A facility shall not be located in a manufactured home as defined in A.R.S. § 41-2142(24) or a mobile home as defined in A.R.S. § 41-2142(26).

R9-5-602. Swimming pools

- A. All pools and equipment shall conform to manufacturer's specifications for installation and operation and shall be maintained and operated in a safe and sanitary manner at all times.
- B. Swimming pools over two feet deep shall have the following:
 - 1. A recirculation system, to be run continually during seasonal use, including at least one removable strainer, two pool inlets placed on opposite sides of pool, one drain located at the pool's lowest point and covered by a grating designed to prevent suction of body surfaces.
 - 2. An automatic disinfectant system.
 - 3. A vacuum cleaning system.
 - 4. When chlorination is used, a range of free chlorine, tested by the orthotolidine method, of 0.4 to 1.0 ppm, a pH range of 7.0-8.0, shall be maintained. Dry or liquid chemical sources may be added directly to pool water only when sufficient time exists for adequate dispersal before use. A daily log of chemistry readings and resultant action taken shall be kept at the center and available for inspection.
 - 5. A shepherd's crook and one ring buoy with at least 25 feet of ½ inch rope attached.
- C. Pools two feet deep or less shall meet the requirements of subsection (B) except:

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1. The recirculation system must have at least one pool inlet and a bottom drain is not required.
2. No vacuum cleaning system is needed.
3. No ring buoy is needed.

D. Annual inspection by the Department or the local, county or city health department is required for all pools. An initial inspection of all new pools is required prior to use.

E. Swimming pools must be enclosed by a separate fence with a minimum height of five feet and a self-closing, self-latching, lockable gate. The gate shall be kept locked whenever the pool is not in use.

R9-5-602. Supplemental Physical Plant Standards

In addition to complying with the general physical plant standards, a licensee shall comply with the following supplemental physical plant requirements:

A. When a facility is licensed to care for more than 5 infants in an infant room as described in R9-5-502(A)(1), each infant room shall have 2 or more designated exits from the room.

B. Excluding infants and children who use diapers from ratio calculations, toilets and hand washing sinks accessible to children shall be provided in a facility as follows:

1. At least 1 flush toilet and 1 hand washing sink for 10 or fewer children,
2. At least 2 flush toilets and 2 hand washing sinks for 11 to 25 children, and
3. At least 1 flush toilet and 1 hand washing sink for each additional 20 children.

C. A licensee providing child care services for infants or children who require diapering shall provide a diaper changing area that meets the requirements in R9-5-503 in each infant room or activity area used by an infant or a child who wears diapers or disposable training pants. An applicant or licensee requiring a diaper changing area outside an infant room or activity area to allow privacy for diapering a child with special needs may submit a written request for an approval, and:

1. For an initial application, submit physical plant documents required by R9-5-607 that designate the location of the proposed diaper changing area. The Department shall review the proposed diaper changing area and provide written notice according to the procedures in R9-5-202;
2. For a licensed facility, submit a drawing of the proposed diaper changing area to the Department before installing the diaper changing area. Within 30 days from the date of the receipt of the request the Department shall send written notice to the licensee of approval or disapproval. If the proposed diaper changing area:

a. Complies with A.R.S. § 36-881 et seq. and these rules and provides privacy for the child with special needs, the Department shall approve the proposed diaper changing area; or

b. Does not comply with A.R.S. § 36-881 et seq. or these rules or provide privacy for the child with special needs, the Department shall provide the licensee with the requirements necessary for the Department to approve the requested change; and

3. A licensee shall not use a diaper changing area located outside of an activity area until the Department approves the diaper changing area.

D. A licensee shall ensure that a glass mirror, window or other glass surface that is located within 36 inches of the floor is made of safety glass that has been manufactured, fabricated or treated to prevent the glass from shattering or flying when struck or broken, or is shielded by a barrier to prevent impact by or injury to a child.

R9-5-603. General standards for indoor activity areas

A. For licensing purposes, at least 25 square feet of interior activity space shall be available for each child included in the center's licensed capacity, except that at least 35 square feet shall be available for each infant and one-year-old child. When one-year-old children are mixed with older children in the same activity area, the requirement of at least 35 square feet of indoor activity space per child shall govern.

B. There shall be a designated room or area which has a cot or mat, sheet and blanket where a child can be separated from other children in the indoor activity space.

C. The floor space of kitchens, bathrooms, closets, halls, storage areas or rooms, recreation areas, isolation rooms, offices, and rooms designated for staff use as well as wall thickness shall be excluded in computing indoor activity space to determine licensed capacity.

D. Room space used for storage, teacher-caregiver desks, file cabinets, storage cabinets or closets, or staff handwashing sinks shall not be included as activity space when determining licensed capacity.

E. The licensed capacity of each child care room or area shall be posted conspicuously in that room.

F. The indoor activity area used to calculate licensed capacity shall be occupied only by the children's play materials, and equipment or children's furniture.

G. Rooms in the center used for child care shall be decorated with coverings for windows, mirrors, bulletin boards and age-appropriate pictures or posters at the eye level of occupant children.

R9-5-603. Facility Square Footage Requirements

A. A licensee shall ensure that the facility meets the following square footage requirements for indoor activity areas based on the classifications of child care services:

1. At least 35 square feet of indoor activity space for each infant and 1-year-old child;
2. At least 25 square feet of indoor activity space for each child who is not an infant or 1-year-old child; and
3. When 1-year-old children are grouped together with children older than 1-year-old children in the same activity area, at least 35 square feet of indoor activity space for each child.

B. When computing indoor activity space for subsections(A)(1) through (A)(3) to determine licensed capacity, the floor space occupied by the following shall be excluded:

1. The interior walls;
2. A kitchen, bathroom, closet, hallway, stair, entryway, office, a room designated for isolating a child from other children, storage rooms, and a room designated for the sole use of child care personnel; and
3. Room space occupied by teacher-caregiver desks, file cabinets, storage cabinets, and hand washing sinks for staff use.

C. A licensee shall provide at least 75 square feet of outdoor activity area for each child occupying the outdoor activity area at any time. To allow scheduled access to an outdoor activity area for each attending child, a licensee shall provide at least 75 square feet of outdoor activity area per child for at least 50% of the facility's licensed capacity.

1. An applicant or licensee may request an exemption from this requirement if:

- a. No enrolled child attends the facility for more than 4 hours per day;
- b. The applicant or licensee provides at least 50 square feet of indoor activity area for each child based on the facility's licensed capacity; and

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- c. The applicant or licensee submits a written request for exemption in the narrative portion of the information form.
2. An applicant or licensee may request a substitution of indoor activity area for outdoor activity area if:
 - a. The applicant or licensee can provide at least 50% of the outdoor activity area required by this subsection;
 - b. The indoor activity area being substituted for outdoor activity area is in addition to the indoor activity area required in subsection(A); and
 - c. The applicant or licensee submits a written request to substitute indoor activity area for outdoor activity area in the narrative portion of the information form and identifies on the floor plan the specific location of the indoor activity area being substituted for outdoor activity area.
3. The Department shall review and approve or deny the request for exemption or substitution.
 - a. For a request that is part of an initial application, the Department shall review the proposed exemption or substitution and provide written notice according to the procedures in R9-5-202.
 - b. For a licensed facility, within 30 days from the date of the receipt of the request, the Department shall review the proposed exemption or substitution and provide written notice of the review to the licensee. If the proposed exemption or substitution:
 - i. Complies with A.R.S. § 36-881 et seq. and these rules, the Department shall approve the proposed exemption or substitution; or
 - ii. Does not comply with A.R.S. § 36-881 et seq. or these rules, the Department shall provide the licensee with the requirements necessary to approve the requested exemption or substitution.
 - c. A licensee shall provide at least 75 square feet of outdoor activity area per child for 50% of the facility's license, until the Department approves the exemption or substitution.
4. A licensee shall provide at least 75 square feet of indoor activity area that is substituted for outdoor activity area for each child occupying the activity area.

R9-5-604. Supplemental indoor activity area standards for infants

In addition to the requirements specified in R9-5-603, centers providing care for infants shall comply with the following:

1. The center shall provide care for infants in rooms and outdoor play areas which are separated from older children except when a total of five or fewer children are present in the center. Infant rooms shall not be used as passageways for other children in the center.
2. The center shall provide an unobstructed free play area with non-abrasive carpeting for infants to safely and comfortably sit, crawl and play.
3. The minimum spacing between occupied cribs shall be two feet on any side with bars except the side which is next to the wall.

R9-5-604. Outdoor Activity Areas

- A. A licensee shall provide an outdoor activity area on facility premises.
 1. A licensee shall not permit a child to cross a driveway or parking lot to access an outdoor activity area on the

facility premises or a school campus unless the licensee obtains written approval from the Department.

2. If a licensee requests approval from the Department for enrolled children to cross a driveway or parking lot to access an outdoor activity area, the Department shall inspect the facility premises or school campus to determine whether the health, safety or welfare of enrolled children would be endangered. The Department shall notify the licensee of approval or disapproval within 30 days of receipt of the request. If disapproved, the Department shall provide the licensee with the requirements necessary to approve the proposed crossing.
- B. Except as provided in subsection (C), a licensee shall ensure that an outdoor activity area:
 1. Is enclosed by a fence:
 - a. A minimum of 4 feet high;
 - b. Secured to the ground; and
 - c. With either vertical or horizontal open spaces on a fence or gate that do not exceed 4.0 inches;
 2. Is maintained free of hazards; and
 3. Has gates that are kept closed while a child is in the outdoor activity area.
- C. A licensee shall ensure that a playground used only for school age children at a facility operating at a public or private school meets the fencing requirements of the public or private school. If the Department determines by inspection that a facility fence on a public or private school does not ensure the health, safety, or welfare of enrolled children, the licensee shall meet the fencing requirements of subsection(B).
- D. A licensee shall ensure that the following is provided and maintained under swings and climbing equipment in an outdoor activity area:
 1. A shock-absorbing rubber unitary surfacing material manufactured for such use in outdoor activity areas; or
 2. A minimum depth of 6 inches of a nonhazardous, resilient material such as fine loose sand or wood chips.
- E. A licensee shall ensure that hard surfacing material such as asphalt or concrete is not installed or used under swings or climbing equipment unless used as a base for a rubber surfacing.
- F. A licensee shall provide a shaded area for each child occupying an outdoor activity area at any time of day.

R9-5-605. Diaper-changing area standards

- A. A diaper-changing area shall be provided in each room where diapered infants, one- and two-year-old children are housed.
- B. A diaper-changing area shall be provided for diapered special children of any age but may be located outside the room where the children are housed if approved by the Department.
- C. All diaper-changing areas shall meet the following requirements:
 1. A staff handwashing sink shall be available in each diaper-changing area equipped with soap in a dispenser, running water between 86°F to 110°F and individually dispensed, single-use hand towels.
 2. Diaper-changing procedures shall be posted in each diaper-changing area.
 3. The diaper-changing surface shall have a smooth nonporous surface, be kept clear of items not directly related to diaper changing, and shall be cleaned, sanitized and dried between each change of diapers.
 4. No bottles, formulas, food, food utensils or food preparation shall be allowed in the diaper-changing area.

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5. There shall be at least two covered, easily cleaned, waterproof containers in each diaper-changing area, one for storage of soiled diapers and one for storing soiled clothing. Soiled clothing shall be emptied into a toilet fixture, placed in individual plastic bags, and stored in the container provided. The children shall not have access to these containers.

R9-5-605. Swimming Pools

- A.** If a licensee uses a public or semi-public swimming pool for enrolled children, the swimming pool shall meet the requirements of the swimming pool ordinance enacted by local government. If no ordinance has been adopted, the swimming pool shall meet the requirements in A.A.C. R9-8-811 through A.A.C. R9-8-852.
- B.** A licensee that uses a private pool for enrolled children shall ensure that the swimming pool and its equipment meet the following requirements:
1. If a licensee uses a private pool that is a minimum of 2 feet in depth for enrolled children, the swimming pool shall meet the requirements of the swimming pool ordinance enacted by local government and, at a minimum, be equipped with the following:
 - a. A recirculation system consisting of piping, pumps, filters, and water conditioning and disinfecting equipment that conforms to the swimming pool manufacturer's specifications for installation and operation, and is adequate to clarify and disinfect the pool water continuously;
 - b. Two swimming pool inlets located on opposite sides of the swimming pool to produce uniform circulation of water and maintain uniform chlorine residual throughout the entire swimming pool without the existence of dead spots;
 - c. A drain located at the swimming pool's lowest point and covered by a grating that cannot be removed by bathers;
 - d. A swimming pool water vacuum system in operating condition;
 - e. A removable strainer to prevent hair, lint, or other objects from reaching the pump and filter;
 - f. An automatic mechanical water disinfectant system in use and in operating condition. The disinfecting agents shall maintain the swimming pool water as follows:
 - i. A free chlorine level between 1.0 and 5.0 parts per million as tested by the diethyl-p-phenylene diamine method or .4 to 1.0 parts per million when tested by the orthotolidine method;
 - ii. A pH level between 7.0 and 8.0 as tested by the diethyl-p-phenylene diamine method or the orthotolidine method; or
 - iii. A bromine level between 2.0 and 4.0 parts per million as tested by the diethyl-p-phenylene diamine method;
 - g. A shepherd's crook; and
 - h. A ring buoy attached to a ½ inch diameter rope at least 25 feet in length.
 2. If a licensee uses a private pool that is less than 2 feet in depth for enrolled children, the swimming pool shall meet the requirements of subsection(B)(1) except that:
 - a. The swimming pool shall have a minimum of 1 swimming pool inlet;
 - b. The swimming pool is not required to have a bottom drain;

c. A pool water vacuum cleaning system is not required;

d. A ring buoy with attached rope is not required; and

3. A portable pool that does not meet the requirements of subsection (B)(1) or (B)(2) is prohibited.

4. A licensee may add liquid or dissolved dry chemical disinfectants directly to a pool only for shock purposes.

5. A licensee shall maintain a dated, written, daily swimming pool log at the swimming pool site that records the free chlorine, pH ranges and bromine readings, including any actions taken by the licensee to restore the swimming pool chemical ranges required by subsection(B)(1)(f) when out-of-range readings occur. A licensee shall maintain a current swimming pool log on facility premises while the swimming pool for 3 months from the date of use.

- C.** A licensee that uses a public, semi-public or private pool for enrolled children shall use only a swimming pool that is enclosed by a wall, fence or barrier that meets the requirements of a swimming pool barrier ordinance adopted by the local government where the facility is located. If no ordinance has been adopted, the swimming pool shall be enclosed by a wall, fence or other barrier that meets the requirements of A.R.S. § 36-1681.

- D.** A licensee that uses any semi-public or private swimming pool for enrolled children shall ensure that the swimming pool has been inspected by the Department or a city or county health department before it is used by enrolled children. If a licensee operates or uses a swimming pool that is inspected by a city or county health department, the licensee shall provide the Department with a current written report of the swimming pool inspection. A licensee shall maintain the current swimming pool inspection reports of a swimming pool used by enrolled children on the facility premises.

R9-5-606. Sleeping rooms

- A.** There shall be, at a minimum, a corridor which is 24 inches wide between each row of cots or floor mats.
- B.** The arrangement of cots or floor mats shall not obstruct access to exit doors and shall provide teacher-caregivers access to each child.
- C.** Lofts, galleries, attics or similar places are prohibited as nap or rest areas.
- D.** Sleeping rooms shall have adequate light to observe each child.
- E.** Television shall not be in operation in a room where children are sleeping.

R9-5-606. Fire and Safety

A licensee shall install portable, pressurized fire extinguishers that meet, at a minimum, a 2A-10-BC rating of the Underwriters Laboratories as described in Publication 10 of the National Fire Code, incorporated by reference in A.A.C. R9-1-412. The fire extinguishers shall be installed and maintained in a facility's kitchen and other locations as required by Standard 10-1 of the Uniform Fire Code, incorporated by reference in A.A.C. R9-1-412.

R9-5-607. Food preparation areas

- A.** Food preparation and storage areas shall be separated from rooms used by children and shall not be used as a passageway by children to travel from one area to another.
- B.** All food preparation and storage facilities shall conform with requirements of A.A.C. R9-8-112 through R9-8-137.

R9-5-607. Required Physical Plant Documents

- A.** When applying for a license or making a modification to an existing licensed facility, an applicant shall submit to the

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Department an information form signed by the applicant or licensee containing:

1. The name of applicant;
2. The name, address, and telephone number of facility;
3. The name, address, and telephone number of individual to be contacted if additional information is needed by the Department;
4. The classifications of child care services being requested;
5. The action being requested by the applicant;
6. A brief narrative description of the facility or proposed modification, including the location and assigned age groups of each room in which activities are or will be conducted; and
7. The date the form is submitted to the Department.

B. In addition to the information required by subsection(A), an applicant providing child care services in a facility not located in a public school shall submit to the Department 1 set of final construction drawings including:

1. A site plan drawn to scale showing:
 - a. The drawing scale;
 - b. The boundary dimensions of the property upon which the physical plant is located;
 - c. If more than 1 building is used for the facility, location, and perimeter dimensions of each building;
 - d. The location of each driveway on the property;
 - e. The location and boundary dimensions of each parking lot on the property;
 - f. The location and perimeter dimensions of each outdoor activity area;
 - g. The location, type and height of each fence and gate; and
 - h. If applicable, the location of swimming pool.
2. A floor plan drawn to scale showing:
 - a. The drawing scale;
 - b. The length and width dimensions of each activity area used for child care services;
 - c. The width of each doorway;
 - d. The direction of each door's swing;
 - e. The location of each plumbing fixture, including each hand washing, utility, and 3 compartment sink, toilet, urinal, diaper changing area, and drinking fountain; and
 - f. The location and type of fire alarm system.
3. A cross section of the physical plant of the facility showing:
 - a. Type of construction; and
 - b. Materials used in construction.
4. If the physical plant of a facility is larger than 3,000 square feet and is occupied by more than 20 enrolled children and staff members, the seals of an architect, structural engineer, mechanical engineer, and electrical engineer registered as prescribed in A.R.S. § 32-101 et seq., verifying compliance with local building and fire codes, local zoning requirements, and the requirements of these rules.
5. If the physical plant of a facility is less than 3,000 square feet and is occupied by less than 20 enrolled children and staff members, a copy of all building or zoning permits or certificate of occupancy issued by the local government to the facility.

C. In addition to the information required by subsection(A)(1), an applicant providing child care services for children up to school age at a public school, shall submit to the Department

1 set of final construction drawings or 1 school map including:

1. A site plan drawn to scale showing:
 - a. The location of each building on the school campus;
 - b. The location of each activity area to be used for child care services;
 - c. The location and perimeter dimensions of each outdoor activity area to be used by enrolled children; and
 - d. The location, type, and height of the fence surrounding the outdoor activity area.
2. A floor plan drawn to scale showing:
 - a. The drawing scale;
 - b. The length and width dimensions of each activity area used for child care services;
 - c. The width of each doorway;
 - d. The direction of each door's swing;
 - e. The location of each hand washing sink, toilet, urinal, diaper changing area, and drinking fountain to be used by enrolled children; and
 - f. The location and type of fire alarm system.

D. In addition to the information required by subsection(A)(1), an applicant providing child care services only for school-age children in a facility located in a public school, shall submit to the Department a site plan as shown on 2 sets of final construction drawings or 2 school maps of the school campus showing:

1. The location of each school building and outdoor activity area;
2. The location, perimeter dimensions, and age groups of each activity area used by enrolled children;
3. The location of each hand washing sink, toilet, urinal, diaper changing area, and drinking fountain to be used by enrolled children; and
4. The location and dimensions of each outdoor activity area to be used by enrolled children.

E. In addition to submitting the information required by subsection (A)(1), an applicant providing child care services in a facility that is located in a factory-built building as defined in A.R.S. § 41-2142(14) shall also meet the requirements in subsections (B), (C), and (D) for the type of facility providing child care and submit:

1. An installation permit issued by the Arizona Office of Manufactured Housing;
2. 1 set of final construction drawings that includes the stamp of the Arizona Office of Manufactured Housing;
3. A foundation and tie-down plan for the factory-built building that is prepared and stamped by an engineer registered as prescribed in A.R.S. § 32-101 et seq.

R9-5-608. Laundry facilities

- A.** Soiled laundry shall be kept in covered containers and separated from clean laundry.
- B.** The kitchen or pantry shall not be used for processing, handling or washing laundry.
- C.** If laundry is done on center premises, the laundry area shall be separated from rooms used by children and shall not be used as a passageway by children to travel from one area to another.

R9-5-609. Storage areas

- A.** All centers shall provide designated storage space for:
1. Indoor and outdoor toys, play equipment and materials, located so that children can freely use and replace items;

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- 2. Cots and bedding convenient to the nap area, and separate from other storage which would preclude proper sanitation practices; and
- 3. Each child's clothing and personal belongings.
- B.** All potentially hazardous equipment, materials or chemicals including the following shall be stored in a locked area out of the reach of children and separated from food storage areas:
 - 1. Flammable materials;
 - 2. Corrosive materials;
 - 3. Maintenance and cleaning equipment and supplies;
 - 4. Insecticides; and
 - 5. Garden tools and repair equipment.
- C.** Attic space shall not be used for the storage of readily combustible materials.

R9-5-610. Cleaning and sanitation

- A.** All parts of the center premises and all center furnishings, equipment, materials and toys shall be kept clean.
 - 1. Centers shall be maintained free of insects and vermin.
 - 2. Insect control shall include, but not be limited to, screening of windows and other direct openings to the outside.
 - 3. Toilet bowls, lavatory fixtures and floors in bathrooms, playrooms, and kitchens shall be scrubbed daily, or more frequently if necessary, with a cleaning solution and disinfectant.
 - 4. All plumbing fixtures shall be maintained in proper operating condition.
 - 5. Toilet areas shall contain, within easy reach of the children, mounted toilet tissue, warm running water, soap and individually dispensed, single use towels in a mounted dispenser, or air hand dryer.
 - 6. Toilet doors opening to the outside shall not be left open.
- B.** There shall be sufficient water pressure at all times to meet the cleaning needs of the center.
- C.** A center licensed for more than 25 children shall have a utility sink which is not located in kitchen or classrooms.
- D.** Garbage and organic waste, shall be stored in containers with tight fitting covers.
 - 1. Garbage containers shall be washed and sanitized after emptying and lined with paper bags or plastic liners.
 - 2. Garbage shall be removed from the building daily, or more often if necessary, to maintain a clean condition.
- E.** The use of common drinking and eating utensils is prohibited.
- F.** Drinking fountains shall:
 - 1. Be kept clean and in working condition;
 - 2. Not be mounted on sinks with the exception of art sinks used for classroom activities; and
 - 3. Have regulated pressure and an angle jet with an orifice guard above the rim.
- G.** Drinking water shall not be drawn from bathroom or diaper-changing handwashing sinks.
- H.** Drinking water shall be accessible to the children on the playground and in indoor activity rooms.
- I.** Individual toothbrushes, combs, washcloths or cloth towels used for children shall be kept clean. Each child's toilet articles shall be kept on identified racks or in cubicles and separated from the articles used by other children.
- J.** Items of clean clothing shall be available for children younger than school age to use when necessary.
- K.** There shall be covered, waterproof, easily cleaned containers for the storage of soiled clothing. The children shall not have access to the containers.
- L.** Permanent floor coverings shall be tight, smooth, washable and free from dampness and odors.

R9-5-611. Fire and safety

Each center shall comply with applicable state and local fire and safety codes and regulations, and the following requirements:

- 1. Furnace rooms, rooms where hot water tanks are located and attics shall not be used for storage of combustibles.
- 2. Combustible waste material shall be kept in metal containers with tight fitting covers and shall not be allowed to accumulate in or around the premises.
- 3. Fire evacuation drills shall be held monthly at various times of the day and written records of each fire evacuation drill shall be kept at the center.
 - a. One of the drills shall be executed at the time of the state or local fire inspection;
 - b. Such drills shall be conducted by the center director or director designee; and
 - c. Written instructions shall be posted which include special staff assignments and general procedures to be followed in case of fire or disasters.
- 4. Exits shall not be blocked or locked during hours of operation.
- 5. Exit corridors shall be kept free from obstruction.
- 6. Portable fire extinguishers shall be installed in the kitchen and throughout the center in compliance with A.A.C. R4-34-1101.
- 7. Smoke detectors in compliance with A.A.C. R4-34-1101 shall be installed in the following locations:
 - a. Head of each stairway;
 - b. Each sleeping room; and
 - c. All corridors.
- 8. At least one smoke detector or heat detector in compliance with A.A.C. R4-34-1101 shall be installed in each of the following locations:
 - a. Kitchen;
 - b. Furnace or boiler room;
 - c. Attic;
 - d. Utility rooms; and
 - e. Attached garages.
- 9. Each center building shall have a manually operated fire alarm system when required by, and as specified in, A.A.C. R4-34-1101, the Arizona Fire Code.
- 10. All stairways to basements shall be separated from the main floor by a full door at the main floor level and have a self-closing device which is kept locked when not in use.
- 11. All stairways leading to rooms used by children shall be equipped with railings suitable for use by children.
- 12. All low windows or screen doors shall be of safety glass or protected to assure the safety of children.
- 13. All dry washes, fish ponds, irrigation ditches or bodies of water shall be inaccessible to children except when supervised.
- 14. Poisonous or hazardous plants and shrubs shall be inaccessible to children.
- 15. Drugs, other than those prescribed for children or personnel at the center, alcoholic beverages and firearms are prohibited on the center premises during hours of operation.
- 16. There shall be at least one readily available, operable telephone in the center. Emergency telephone numbers for the local fire department, police department, and ambulance service shall be conspicuously posted near all center telephones.

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17. Child day care center buildings, indoor and outdoor play equipment and structures shall be constructed of durable materials for safety, kept in good repair and free from hazards.

R9-5-612. Physical plant standards for new centers and new construction

- A. The following documents shall be submitted to the Department for review and approval prior to undertaking new construction, additions or alterations to a licensed center, or the conversion of unlicensed buildings or portions thereof to child day care center use:
1. A short narrative indicating the scope of the project;
 2. Two copies of final drawings and specifications which provide the information necessary to determine compliance with these rules; and
 3. A copy of applicable local building and zoning permits.
- B. Construction shall not begin until written approval is issued by the Department.
- C. New construction and buildings converted for center use after the effective date of this Chapter shall comply with applicable local building codes, fire codes and zoning requirements and with the following Codes and Standards adopted by reference and on file with the Office of the Secretary of State:
1. A.A.C. R9-1-412(A) Uniform Building Code;
 2. A.A.C. R9-1-412(B) Life Safety Code;
 3. A.A.C. R9-1-412(C) Uniform Mechanical Code;
 4. A.A.C. R9-1-412(D) Uniform Plumbing Code;
 5. A.A.C. R9-1-412(E) National Electric Code;
 6. A.A.C. R9-1-412(G) National Fire Code;
 7. A.A.C. R9-1-412(H) American National Standard specifications for making buildings and facilities accessible to and usable for physically handicapped people; and
 8. A.A.C. R4-34-1101. Arizona State Fire Code.
- D. Where conflicts occur among standards referenced herein, the following shall apply:
1. Standards specified in the narrative portion of the rules shall govern over the standards adopted by reference.
 2. If a conflict occurs among the codes and standards, or between applicable state or local building/fire codes, the more restrictive standard shall govern.

R9-5-613. Physical plant standards for existing centers

- A. Existing centers shall have an accurate set of drawings on file with the Department, which reflect current utilization of rooms and spaces within the center.
- B. The provisions for new construction contained in the codes and standards referenced in R9-5-612(C) shall not apply to centers which were licensed when these rules were adopted. However, existing use or occupancy which was legal at the time of the adoption of this rule shall be discontinued if upon a determination by the Director such use is deemed dangerous to the life or safety of children.
- C. Additions to licensed center buildings, conversions of unlicensed buildings or portions thereof for use as centers, and portions of licensed center buildings undergoing alteration other than repair, shall meet the requirements for new center construction in R9-5-612.
- D. Buildings which are located on the premises of a public school and used by students when the school is in session shall be exempt from this Section when applying for a license to provide school age child care.

R9-5-614. General physical plant standards

- A. Center location:
1. Centers shall not be located in mobile homes.

2. When a center is located in a multiple-use building, areas to which children have access shall be used only for child care purposes during the center's hours of operation.
3. When a center is located in a multiple-use building, the entire building must conform to all construction requirements for new centers unless the center has the required fire separation as referenced in A.A.C. R9-1-412(A).

B. Exits.

1. Rooms exceeding 1,000 square feet shall have at least two exits.
2. Infant rooms licensed for more than five infants shall have at least two exits.
3. Combining of two licensed child occupied rooms for simplification of exiting shall be permitted provided that the opening between the rooms is a minimum of six feet in unobstructed width.

C. Exit doors.

1. Exit doors shall be at least 36 inches in width and 6 feet 8 inches in height.
2. Centers licensed prior to the adoption of this rule, for a capacity of less than 16 children, may have exit doors of 30 inches minimum width. This exception does not apply where special care children or infants are on the premises.
3. Where a pair of doors which open together are substituted for the door required in Paragraph 1. above, each leaf shall be a minimum of 2 feet 6 inches in width and at least 6 feet 8 inches in height. Center door mullions are prohibited.
4. Exit doors shall be swing-type doors which swing toward the path of egress. An exception to this requirement shall be for indoor activity rooms which have a licensed capacity of ten or fewer children.

D. Exit corridors.

1. Exit corridors shall be at least 44 inches wide if the building's maximum licensed capacity is less than 26 children, and 72 inches wide if the maximum licensed capacity is 26 children or more.
2. Required exit doors shall not have dead end pockets exceeding 20 feet in length.
3. Exit doors that swing into an exit access corridor shall be recessed to prevent interference with corridor traffic, or shall open 180 degrees to rest against the corridor wall.
4. Doors in any position shall not reduce the required corridor width by more than one-half of the clear corridor width.
5. Transoms, louvers, and transfer grills shall be prohibited in required exit corridor walls and doors.

E. Exit stairways.

1. Exit stairways shall be 36 inches in clear width if the maximum licensed capacity of the building is less than 50 children and 44 inches in clear width if the maximum licensed capacity is 50 children or more.
2. Stairway handrails or trim shall not reduce the required exit width by more than 3 1/2 inches.

F. Heating and cooling.

1. Rooms used by children shall be maintained at temperatures between 68[°] F and 82[°] F.
2. Ventilation shall not subject children to drafts.
3. Heating and cooling equipment shall be protected to prevent children from coming into contact with it. Unvented or open flame space heaters or portable heat-

- ers are prohibited and fans must be mounted out of reach of children.
- 4. ~~Gas fired heating devices shall be inspected and serviced as needed but at least annually by a properly qualified person.~~
- 5. ~~Unused gas outlets shall have the valves removed and shall be capped at the wall or floor with a standard pipe cap.~~
- G. **Lighting and electrical.**
 - 1. ~~Center buildings shall be well lighted and free of glare. A minimum of 30 foot candles of illumination shall be maintained in all areas used by children.~~
 - 2. ~~Electrical outlets shall be covered for safety or located out of reach of children.~~
 - 3. ~~Electrical cords shall not be used in place of permanent wiring.~~
 - 4. ~~Electrical wires extending over outdoor play areas shall be securely supported, fully insulated and located at least 12 feet above the play area.~~
- H. **Plumbing.**
 - 1. ~~Toilets and handwashing sinks shall each be provided in the following minimum ratio:~~
 - a. ~~At least one flush toilet and one handwashing sink for ten or fewer children.~~
 - b. ~~At least two flush toilets and two handwashing sinks for 11 to 25 children.~~
 - c. ~~At least one flush toilet and one handwashing sink for each additional 20 children.~~
 - d. ~~Infants and children who use diapers shall not be included in this calculation.~~
 - 2. ~~Toilets and handwashing sinks shall be easily accessible, child sized or equipped so that children can use them without assistance.~~
 - 3. ~~Toilets and handwashing sinks shall work properly and allow for thorough cleaning.~~
 - 4. ~~A toilet room shall not open directly to the kitchen.~~
 - 5. ~~Toilets shall be ventilated to the outside of the building either by open screened windows or with an exhaust fan and duct system which shall be in operation during all hours in which children are present in the center.~~

NOTICE OF FINAL RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 4. DEPARTMENT OF TRANSPORTATION MOTOR VEHICLE DIVISION

PREAMBLE

1. **Sections Affected** **Rulemaking Action**
New Section

R17-4-216
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 28-366

Implementing statute: A.R.S. § 28-2159
3. **The effective date of the rule:**

October 21, 1997
4. **A list of all previous notices appearing in the Register, addressing the final rule:**

Notice of Rulemaking Docket Opening: 3 A.A.R. 1664, June 13, 1997

Notice of Proposed Rulemaking: 3 A.A.R. 1646, June 13, 1997
5. **The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name:	Randall X. Ramsey
Address:	Motor Vehicle Division 1801 West Jefferson, Mail Drop 532M Phoenix, Arizona 85007
Telephone:	(602) 255-8828
Fax:	(602) 407-3437
6. **An explanation of the rule, including the agency's reasons for initiating the rule:**

The Motor Vehicle Division is promulgating the rule to stagger registration periods for apportioned commercial vehicles. Currently, there is one registration period for all apportioned commercial vehicles; all registrations expire on the same date, December 31. The new rule will establish 4 registration periods for apportioned commercial vehicles. The rule is necessary to spread the registration work flow and allow more timely processing of apportioned commercial vehicle registration. Under the proposed rule, companies can align the registration of their apportioned commercial vehicles with their financial management program.

7. A showing of good cause why the rule is necessary to promote a state interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

8. The summary of the economic, small business and consumer impact:

EXECUTIVE SUMMARY

The implementation of the rule will have a positive impact on the agency. The rule will allow the agency to more efficiently utilize its resources by spreading the apportioned vehicle registration throughout the year.

ECONOMIC IMPACTS OF THE STAGGERED REGISTRATION RULE

A.R.S. § 41-1055 REQUIREMENTS FOR AN EIS

(B)(2). Persons Directly Affected by the Rule

The taxpaying public will benefit by the more efficient use of MVD resources. There will be less overtime and compensatory time paid which will result in less state employee cost.

Owners of apportioned commercial vehicles will benefit by the ability to select a registration date which is most compatible with their financial management programs.

(B)(3). COST-BENEFIT ANALYSIS

(B)(3)(a)(1). Costs to MVD, the Implementing Agency

The costs to MVD for implementing the rule will be the development costs that are \$10,000.

BENEFITS TO MVD--There will be a more efficient use of MVD resources.

There were 2155 apportioned commercial vehicle account registrations in 1996 that took 8 employees 6 months to complete. There were 293 hours of overtime and 80 hours of compensatory time paid to state employees due to the large number of apportioned registrations that had to be processed at the same time.

(B)(3)(a)(2). COSTS TO THE ATTORNEY GENERAL'S OFFICE (AGO) --

There are no costs to the AGO.

BENEFITS TO THE AGO -- There are no incremental benefits to the

AGO.

(B)(3)(b). COSTS TO POLITICAL SUBDIVISIONS -- There are no costs to political subdivisions.

(B)(3)(c)(1). COSTS TO APPLICANT PRIVATE BUSINESSES -- There are no costs to affected private businesses.

BENEFITS TO APPLICANT PRIVATE BUSINESSES -- Private businesses that own vehicles with apportioned registrations will be able to choose a registration period that is most compatible with their financial management programs. There will also be less waiting time for registration processing and more responsiveness from MVD employees regarding other matters due to the reduction of the number of apportioned vehicle registrations that must be processed at the same time.

(B)(4). IMPACTS ON PUBLIC AND PRIVATE EMPLOYMENT -- There will be no impact on public employment.

There will be no impact on private employment.

(B)(5) IMPACTS ON SMALL BUSINESS

(B)(5)(a). SMALL BUSINESSES SUBJECT TO THE RULE -- Some of the applicants for staggered registration will be small businesses. There are no differential impacts on small or large businesses. Staggered registration is beneficial to all.

(B)(5)(b). ADMINISTRATIVE COSTS -- There are no administrative costs to small businesses or other businesses.

(B)(5)(c). REDUCTION OF IMPACT ON SMALL BUSINESSES -- The beneficial nature of staggered registration makes reduction of impact on small businesses unnecessary.

(B)(5)(d). COSTS AND BENEFITS TO PRIVATE PERSONS -- A vehicle owner applying for staggered registration can select a registration period that is most compatible with the owner's financial management plan.

(B)(6). PROBABLE EFFECTS ON STATE REVENUES -- There will be a positive effect on state revenues. The existing annual registration period resulted in state employees working 293 hours overtime and 80 hours compensatory time in 1996. This was due to the large number of registration renewals that were received in the last 3 months of the year, all with a processing deadline of December 31. The cost to the state, due to the employee overtime required, was \$4,340 in 1996. No employee overtime or compensatory time will be required under the new staggered registration procedure.

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(B)(7). LESS INTRUSIVE OR LESS COSTLY ALTERNATIVE -- The rule benefits all. No less intrusive or less costly alternatives were contemplated.

9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

The section numbers of the 2 statutory references in the rule were changed to comply with the renumbering of Title 28 of the Arizona Revised Statutes which becomes effective October 1, 1997.

10. A summary of the principal comments and the agency response to them:

There were no public comments received on this rule.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable.

12. Incorporation by reference and their location in the rules:

None

13. Was this rule previously adopted as an emergency rule?

No.

14. The full text of the rule follows:

TITLE 17. TRANSPORTATION

CHAPTER 4. DEPARTMENT OF TRANSPORTATION
MOTOR VEHICLE DIVISION

ARTICLE 2. TITLES AND REGISTRATION

Section

R17-4-216. Staggered Registration for Apportioned Commercial Vehicles

ARTICLE 2. TITLES AND REGISTRATION

R17-4-216. Staggered Registration for Apportioned Commercial Vehicles

A. Definitions. In this Section, unless the context otherwise requires:

1. "Apportioned commercial vehicle" means a commercial vehicle that is subject to the proportional registration provisions of A.R.S. § 28-2233.
2. "Commercial vehicle" has the same meaning as in A.R.S. § 28-2231.
3. "Director" means the Assistant Director for the Motor Vehicle Division of the Arizona Department of Transportation or the Assistant Director's designee.
4. "Division" means the Motor Vehicle Division of the Arizona Department of Transportation.
5. "Expiration date" means the last day of the month and year in which a vehicle registration expires.
6. "Fleet" means 1 or more apportioned commercial vehicles.
7. "Registration period" means the time-frame during which a vehicle registration is valid.

B. Beginning on the effective date of this rule, the Division shall give the owner of a previously registered fleet the opportunity to select 1 of the following 4 registration periods and associated expiration dates for the fleet. The registration period and expiration date shall be mutually agreed to by the fleet owner and the Director. The registration periods are:

1. Register for January 1998 to March 1998; then register again for April 1998 to March 1999; and register each March thereafter.

2. Register for January 1998 to June 1998; then register again for July 1998 to June 1999; and register each June thereafter.

3. Register for January 1998 to September 1998; then register again for October 1998 to September 1999; and register each September thereafter.

4. Register for January 1998 to December 1998; then register again for January 1999 to December 1999; and register each December thereafter.

C. An owner shall ensure that all vehicles within a fleet have the same registration period.

D. The owner of an apportioned commercial vehicle shall ensure that the vehicle is not operated with an expired vehicle registration. The Division shall not provide a grace period for late registration or late payment of fees.

E. The Division shall assign a registration period to a newly registered fleet. The expiration date for the assigned registration period shall be the last day of the furthest calendar quarter, not exceeding 12 months, from the date of the initial registration.

F. If an owner replaces a vehicle within a fleet, the Division shall credit the registration fee paid on the replaced vehicle towards the amount of the registration fee required on the replacement vehicle. The Division shall not refund any excess credit of registration fees.

G. If an owner transfers a vehicle between fleets, the Division shall credit the registration fee paid upon the original fleet registration period towards the amount of the registration fee required based upon the registration period of the new fleet. The Division shall not refund any excess credit of registration fees.

H. An owner shall maintain the registration period selected or assigned for at least 3 consecutive registrations.